

**COLUMBUS  
METROPOLITAN  
HOUSING AUTHORITY**

**ADMINISTRATIVE PLAN**

**FOR THE**

**HOUSING CHOICE VOUCHER**

**PROJECT-BASED VOUCHER**

**AND**

**SHELTER PLUS CARE**

**PROGRAMS**

**DATE**

**NOVEMBER 16, 2012**

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**  
**HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN**  
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# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 1. STATEMENT OF LOCAL POLICIES**

The Housing Choice Voucher Program was created by the Housing and Community Development Act of 1974 and further amended by federal legislation. The Housing Choice Voucher Program has two separate components—the Tenant Based Housing Choice Voucher Program and the Project-Based Voucher Program – administered by CMHA. The Shelter Plus Care Program is a special stand-alone Voucher program created by Congress to assist disabled and homeless persons and is also administered by CMHA in cooperation with community-based sponsors.

These programs are administered in compliance with the Ohio Revised Code, Federal statutes and regulations and this Administrative Plan. If any policy in this Plan is in conflict with federal or state law or regulation, the applicable law or regulation shall take precedence over this Plan.

### **A. THE CMHA ADMINISTRATIVE PLAN**

The purpose of this Administrative Plan is to establish discretionary policies and implement HUD regulations for the administration of the Housing Choice Voucher and Shelter Plus Care Programs. The Plan covers both admission and continued participation in these programs. Policies are the same for all programs, unless otherwise noted in this Plan or by HUD regulations.

CMHA's Board of Commissioners must approve Policy revisions to this Plan. Revisions to internal operating procedures are at the discretion of CMHA's Chief Executive Officer and the Chief Operating Officer.

CMHA is responsible for complying with all subsequent changes in Federal laws and HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations and/or federal law will have precedence.

### **B. PRIVACY RIGHTS AND RELEASE OF INFORMATION**

CMHA recognizes that the right of privacy must be afforded to all Housing Choice Voucher applicants and participants. Therefore, disclosure of any information about applicants or participants that is maintained by CMHA is prohibited unless the family executes a release of information. CMHA may share family information with the appropriate federal agencies and other third parties in the course of conducting official agency business.

In accordance with HUD regulations, upon request from a prospective landlord or their designated agent, CMHA will provide the following information about the applicant:

- the family's current address
- the current landlord's address, telephone number

- the family's previous address (if available)
- the family's previous landlord's address and telephone number (if available).

CMHA is not responsible for any inaccuracies in the above information obtained from the family's file. No further information about the family will be provided unless the family gives the prospective landlord their written consent. CMHA reserves the right to verify that the person(s) requesting the information is an actual prospective landlord or their designated agent and requires them to release CMHA from any claims.

Information concerning CMHA's participating Housing Choice Voucher landlords may be obtained upon written request. CMHA may assess a fee for all records photocopied and/or the time spent to obtain the information from CMHA's computerized data systems.

All requests for the release of information about the Housing Choice Voucher Program and CMHA's administrative records and documents are subject to approval by CMHA pursuant to federal and state law.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 2: EQUAL OPPORTUNITY AND REASONABLE ACCOMODATION**

#### **OBJECTIVE I – OUTREACH TO LOWER INCOME FAMILIES**

##### **A. POLICY**

Provide widely disseminated information to low-income families on affordable housing opportunities in Franklin County.

##### **B. POLICY IMPLEMENTATION**

Announce when CMHA is accepting applications by placing advertisements in newspapers containing the following information:

- Application procedures
- Information sources for further information

Provide notices to local social service agencies, local radio and television stations and other agencies that provide services to low-income families in Franklin County.

Respond to telephone calls from interested families seeking information about the Program.

Provide program information on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))

#### **OBJECTIVE II - PROMOTING GREATER HOUSING OPPORTUNITIES FOR FAMILIES OUTSIDE AREAS OF LOW-INCOME AND MINORITY CONCENTRATION**

##### **A. POLICY**

Make Housing Choice Voucher Program information available to owners and managers of decent and affordable housing in Franklin County and encourage current Housing Choice Voucher owners and managers to continue Program participation.

##### **B. POLICY IMPLEMENTATION**

Conduct a marketing program to broaden housing opportunities for low-income families assisted by CMHA's Housing Choice Voucher Program. Efforts to educate owners and promote CMHA's Housing Choice Voucher Program include the following:

- A Housing Choice Voucher landlord newsletter.
- An Internet website ([www.cmhanet.com](http://www.cmhanet.com)) containing information about the CMHA Housing Choice Voucher Program.

- Working meetings and seminars with landlords to explain Housing Choice Voucher regulations and CMHA policies.
- Customer service training for CMHA's Housing Choice Voucher staff.
- Active recruitment of units by staff during landlord contacts.

Approve Voucher Payment Standards at levels up to 110% of Fair Market Rents to enable families to locate units in low poverty areas within Franklin County.

Maintain a list of available vacant units by location, bedroom size, and housing type (duplex, single family, multi-family, etc.). Update the list monthly as owners inform CMHA that their units are available. Make the list available to Housing Choice Voucher applicants and participants.

Nothing in this Section shall be construed to violate the "finders-keepers" policy and the non-steering provisions of the tenant-based Housing Choice Voucher Program regulations.

### **OBJECTIVE III - ENSURING EQUAL OPPORTUNITY TO APPLICANTS FOR PARTICIPATION IN CMHA'S HOUSING CHOICE VOUCHER AND SHELTER PLUS CARE PROGRAMS**

#### **A. POLICY**

Select families for participation without regard to a family's age, race, color, gender, sexual orientation familial status, creed, religion, disability, or national origin.

#### **B. POLICY IMPLEMENTATION**

CMHA's selection process is outlined in Chapter 5 of this Plan. CMHA ranks and selects applications based upon local admission preferences and other ranking factors without regard to a family's age, race, color, gender, sexual orientation, familial status, creed, religion, disability, or national origin. Families are selected from the applicant wait list whenever Housing Choice Vouchers are available.

### **OBJECTIVE IV - SERVICES AND ASSISTANCE TO FAMILIES WHO HAVE ALLEGED THEY HAVE ENCOUNTERED DISCRIMINATION DURING THEIR HOUSING SEARCH**

#### **A. POLICY**

Provide information on fair housing laws to all Housing Choice Voucher applicants and participants at group or one-on-one briefings.

## **B. POLICY IMPLEMENTATION**

Provide the HUD-903 Discrimination Claim Form to all families at their briefing with instructions to contact CMHA in the event that the family has reason to believe that they have been illegally denied housing. CMHA will assist families in completing the form and will refer families to the Columbus HUD Office for further investigation of their complaint.

CMHA will also refer any family who has a fair housing complaint to the Columbus Urban League, the Legal Aid Society of Columbus, or other agencies designated by HUD. CMHA will cooperate with these agencies in their investigation of the family's complaint.

Make available to families alleging discrimination a list of vacant units whose owners are willing to rent to Voucher holders.

## **OBJECTIVE V – EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES SECTION 504 COMPLIANCE**

### **A. POLICY**

Qualified persons with disabilities must not be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance solely by reason of their disabilities.

CMHA will afford persons with disabilities an equal opportunity to gain the same benefit or to reach the same level of achievement as those who do not have disabilities. A qualified person with a disability:

- Must be afforded an opportunity equal to that afforded others;
- Must be provided housing or benefits as effective as those afforded to others; and,
- May not be provided different or separate housing or benefits unless necessary to provide a person with a disability with housing or benefits that are as effective as those provided to others.

The Vice-President of the Housing Choice Vouchers Program is hereby designated as the Section 504 Compliance Officer for Housing Choice Voucher and Shelter Plus Care Programs.

### **B. POLICY IMPLEMENTATION**

Provide advice and assistance to disabled families as necessary in accordance with federal, State, and local law. Offer reasonable accommodation in administering the Housing Choice Voucher Program policies, in helping disabled families to find affordable and decent housing, and in complying with HUD and CMHA regulations and policies.

Provide program accessibility for persons with hearing or vision impairments.

Provide program and physical accessibility for persons with physical disabilities.

Consider requests for reasonable accommodation under the following circumstances:

- If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, CMHA will treat the information as a request for a reasonable accommodation, even if no formal request is made.
- The family must explain what type of accommodation is needed to provide the person with the disability full access to the PHA's programs and services.
- If the need for the accommodation is not readily apparent or known to the PHA, the family must explain the relationship between the requested accommodation and the disability. **There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.**

Offer reasonable accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability or in writing to CMHA.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and/or administrative burden on the PHA or fundamentally alter the nature of the PHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

## **GUIDELINES FOR CONSIDERING REQUESTS FOR REASONABLE ACCOMMODATION**

### **1. DEFINITION OF DISABILITY**

The regulatory civil rights definition for persons with disabilities is provided below:

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- Has a record of such impairment; or
- Is regarded as having such impairment.

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term

“physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” includes, but is not limited to: caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

“Has a record of such impairment” means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

“Is regarded as having an impairment” is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

HUD’s definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability definition is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the elderly/disabled household deduction, the dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Some people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

## **2. VERIFICATION OF DISABILITY**

Before providing an accommodation, the PHA must determine that the person meets the definition of a person with a disability and that the accommodation will enhance the family’s access to the PHA’s programs and services. If a person’s disability is obvious, or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, the PHA will follow the verification policies provided in this Plan. All information related to a person's disability will be treated in accordance with the Plan's confidentiality policies. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability.
- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.

### **3. TYPES OF REASONABLE ACCOMMODATION**

A person with a disability may require special accommodations in order to have equal access to the Housing Choice Voucher Program. The types of reasonable accommodations CMHA can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the PHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

When needed, the PHA must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
- Conducting home visits
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff
- Displaying posters and other housing information in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.



#### **4. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION**

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the cost of the requested accommodation, the financial resources of the PHA at the time of the request, the benefits that the accommodation would provide to the family, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

After a request for an accommodation is presented, CMHA will respond, in writing, within 10 business days.

Before making a determination whether to approve or deny the request, the CMHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that CMHA may verify the need for the requested accommodation.

If CMHA denies a request for a specific accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the CMHA's operations), CMHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs.

If CMHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, CMHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family.

#### **5. DENIAL OR TERMINATION OF VOUCHER ASSISTANCE**

CMHA's decision to deny or terminate the Voucher assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation. When reviewing reasonable accommodation requests, CMHA may consider whether any verifiable mitigating circumstances can explain and overcome the problem that led to the CMHA decision.

When applicants with disabilities are denied assistance, the notice of denial will inform them of the CMHA informal review process and their right to request a hearing. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal hearing process.

If a reasonable accommodation will allow the family to meet HCV Program requirements, CMHA may make the accommodation.

#### **6. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS**

At the initial point of contact with each applicant, the PHA will inform all applicants of alternative forms of communication that can be used.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be made available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents may be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with PHA staff, one-on-one assistance will be provided upon request.

Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

## **7. PHYSICAL ACCESSIBILITY ASSISTANCE**

When issuing a voucher to a family that includes an individual with physical disabilities, CMHA will include a current list of available accessible units known to the PHA and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

## **8. Access to LEP Services:**

The CMHA LEP Plan is available on the CMHA Website. The Plan is in English with interpretation of the document available upon request to CMHA

If during the course of an interview or other in person contact, the client demonstrates limited understanding or ability to communicate responses to questions or comments made, the CMHA employee must immediately ask if interpretive services are needed. If such services are needed or requested, the Client Service Supervisor will be contacted and arrangements made to set up a follow up interview with an interpreter present. The follow up appointment should be set for as soon as reasonably possible and mutually agreeable to the worker and the client.

Appointments rescheduled as a result of the need for interpreter services will not be considered a missed appointment for possible lease termination

Staff requests for interpreting and translating services will be arranged by and through Client Services Supervisor and or the respective unit supervisor's.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 3. ELIGIBILITY FOR ADMISSION**

To be eligible for initial placement on a Wait List and eventual receipt of a Voucher, a family must meet HUD's criteria for eligibility and any additional criteria established by CMHA in compliance with federal regulations.

HUD has established the following factors to determine eligibility:

- Family Composition
- Income Limits
- Provision of Social Security Numbers
- Qualifying citizenship or eligible immigrant status
- Consent to CMHA's collection and use of family information for family members
- Other Criteria for Admission that relates to prior history on CMHA's housing programs
- Background checks regarding drug related and violent criminal activity, detrimental alcohol abuse, and sex offender status

#### **A. FAMILY COMPOSITION**

The applicant must qualify as a Family. A family may be:

1. A single person or group of single persons:

A single person may be one of the following:

- An elderly person (see definition below);
- A disabled person (see definition below);
- A displaced person (see definition below); or,
- Any other single person.

2. A single person, a married couple, or two adult persons who will live regularly together in the same dwelling unit with a child or children.
3. A group of persons consisting of two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides.
4. An elderly and/or disabled household whose head or spouse meets the following definition where the household head or spouse must be:
  - 62 years of age or older;

- Handicapped with a physical impairment which is expected to be of long continued and indefinite duration, but does not prohibit independent living and is of such nature that the ability could be improved by more suitable housing conditions;
- Disabled pursuant to Section 223 of the Social Security Act or Section 102 of the Developmentally Disabled Act;
- An expectant mother unless she aborts prior to admission. If she aborts prior to admission, she will be classified as a single person ( see Section A1 above);
- A remaining member of a family assisted by CMHA's Housing Choice Voucher Program; or,
- A person displaced by governmental action, or a person whose dwelling has been extensively destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

### **Head of Household**

The head of household is the person who assumes legal responsibility for the household and is listed as such on the application.

A family may not designate an elderly family member as head of household solely to qualify the family as an Elderly Household. There can be a co-head if the adult members are not married and both claim to assume joint legal responsibility for the household and are listed on the application as co-head.

### **Live-In Aides**

A Family may include a live-in aide who:

- Has been determined by CMHA to be essential to the care and well being of the elderly, handicapped or disabled family member;
- Is not obligated for the support of the elderly, handicapped or disabled member; and
- Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member. Their income will not be counted for purposes of determining eligibility or rent contribution.

Relatives are not automatically excluded from being live in aides, but must meet the definition described above.

The child of a live in aide is not entitled to an additional bedroom as the child is not needed to attend the elderly, handicapped or disabled individual . Live-in aides cannot be the remaining

members of the family's family if the person they are attending is no longer a participant in the Housing Choice Voucher Program.

To determine whether a live-in aide is "essential to the care and well being of the elderly, handicapped or disabled person," CMHA will send a third party verification request to a reliable medical source familiar with the family. The letter will request exact information on the services the applicant needs to justify why the live-in attendant is medically necessary.

## **B. INCOME LIMITATIONS**

The applicable income limit for admission is the income limit established by HUD for the area in which the family initially leases a unit and first becomes a Housing Choice Voucher participant.

A family is eligible if their annual income does not exceed the income limits or if the family:

- Is "continuously assisted" under the 1937 Housing Act. CFR part 511;
- Is a low-income non-purchasing family residing in a project subject to home ownership;
- Is a low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 165; or,
- Is residing in a HUD-owned multi-family rental housing project when HUD sells, forecloses, or demolishes the project.

"Continuously assisted" means that the family has been receiving assistance under the 1937 Housing Act when they apply to receive assistance under the CMHA Housing Choice Voucher Program. There may be a brief interruption of assistance from one of these programs and admission to the Voucher Program. To be eligible under the category of "continuously assisted," the interruption of assistance cannot be greater than 90 days and the circumstances for the termination of housing assistance under the 1937 Housing Act must have been beyond the control of the family.

## **C. MANDATORY SOCIAL SECURITY NUMBERS**

Families are required to provide Social Security Numbers for all family members prior to admission,

If a family member cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by CMHA to provide one or more of the following alternative documents:

- Identification card issued by a federal, state or local agency;
- Identification card issued by an employer or trade union;
- Identification card issued by a medical insurance company;

- Earnings statements or payroll stubs;
- Bank statements;
- IRS Form 1099;
- Benefit Award letters from government agencies;
- Unemployment benefit letter;
- Retirement benefit letter;
- Life insurance policies; or,
- Court records such as real estate, tax notices, marriage, divorce, judgments, or bankruptcy records.

If CMHA verifies Social Security benefits with the Social Security Administration, the acceptance of the Social Security Number by the Social Security Administration will be considered documentation of its validity.

#### **D. OTHER CRITERIA FOR ADMISSION ELIGIBILITY**

1. The family must have paid any outstanding debt owed CMHA or another PHA on any previous tenancy in Public Housing or Housing Choice Voucher Programs unless excused by HUD or other federal regulation. The family must repay in full in order to be considered eligible for admission.
2. The family must not have been evicted or left any previous tenancy under the Housing Choice Voucher Program while in violation of a family obligation within the past three years of their preliminary application date or within the past 3 years from the date of final eligibility determination..
3. There is reasonable cause to believe that a family member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
4. No person may be admitted to the CMHA Housing Choice Voucher Program if they are subject to a lifetime registration as a sex offender under a State registration program; or
5. The family, including any family member listed on the application, must not have been convicted or pled guilty to **drug-related criminal activity** or **violent criminal activity** within the past three years of their preliminary application date or within the past 3 years from the date of final eligibility determination.

##### **Drug-related criminal activity means:**

- a. The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act);
- b. The manufacturing or production of methamphetamine on the premises of any federally assisted housing;

- c. The illegal use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance, except that such use or possession has occurred within 18 months of their final eligibility date;
- d. Drug related criminal activity does not include the use or possession if the family member can demonstrate that he/she:
  - 1) Has or has had an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment, **and**;
  - 2) Is currently enrolled in or has successfully completed a substance abuse program and does not currently use or possess controlled substances.

**Violent criminal activity includes:**

- 1. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage;
- 2. Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- 3. Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of the CMHA (including a CMHA employee, contractor, subcontractor, or agent).

Evidence of drug related and/or violent criminal activity or sexual offender status is based upon records obtained from public agencies or other reliable sources

**E. SUITABILITY OF FAMILY**

CMHA does not screen for factors such as credit rating or landlord references and makes no guarantee of the suitability of the applicant family as a tenant. Screening the family is the sole responsibility of the landlord.

**F. CHANGES THAT OCCUR BETWEEN FINAL ELIGIBILITY DETERMINATION AND LEASE DATE**

Changes in the family's economic circumstances or family composition that occur during this period will not affect eligibility to lease the unit and need not be reported until the annual reexamination or in accordance with our interim reporting requirements (see Chapter 15).

## **G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS**

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the CMHA's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English. (See chapter 2 regarding LEP as a reasonable accommodation.)

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults since they are not considered to be household members.

### **1. U.S. Citizens and Nationals**

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit the PHA to request additional documentation of their status, such as a passport. Family members who declare citizenship or national status will not be required to provide additional documentation unless the PHA has cause to believe that an individual's declaration may not be accurate.

### **2. Eligible Noncitizens**

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with PHA efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

### **3. Ineligible Noncitizens**

Those noncitizens who do not wish to contend their ineligible immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their



ineligible immigration status. CMHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student in the United States. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

#### **4. Mixed Families**

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

#### **5. Ineligible Families**

CMHA will not provide assistance to a family before the verification of the citizen or eligible immigration status of at least one family member. When a PHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, the family will be sent a written notice of the determination. The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PHA. The informal hearing may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process.

### **H. INDEPENDENT STUDENT STATUS**

CMHA will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

1. The individual is of legal contract age under state law.
2. The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student. To be considered an independent student according to the Department of Education, a student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought.
  - Be an orphan or a ward of the court through the age of 18.
  - Be a veteran of the U.S. Armed Forces.
  - Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent).
  - Be a graduate or professional student.
  - Be married.
3. The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.
4. The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 4: APPLICATION POLICIES AND PROCEDURES

This Chapter describes the Web-Based Preliminary Application Process, the Lottery System for establishing and adding to Wait Lists, the Full Application Process and related matters.

### **1. WEB-BASED PRELIMINARY APPLICATIONS**

CMHA has implemented a Web-Based Application System for its Housing Choice Voucher Program. With limited exceptions, all Preliminary Applications must be submitted electronically. The on-line Application can be accessed on CMHA's website ([www.cmhanet.com](http://www.cmhanet.com)) from any Internet capable device (personal computer, cell phone, tablet, etc.). For applicants without Internet access, CMHA will provide computer access at a number of Public Housing sites (listed below) where applications may be entered. Disabled, handicapped or other disadvantaged persons without Internet access or requiring special accommodations may contact the CMHA offices at 614-421-6000.

Rosewind – 1400 Brooks Avenue  
Sawyer Manor – 940 Caldwell Place  
Post Oak Station – 1383 Vida Way

### **2. LOTTERY SYSTEM**

CMHA has adopted a lottery-based procedure for establishing a Wait List for receipt of a Housing Choice Voucher – date and time of application no longer determine an applicant's position on the Wait List. Based upon information submitted in the Preliminary Application, all eligible applicants will be placed in a Lottery Pool. As Vouchers become available, names will be drawn from the Pool, assigned a Lottery Number in the order drawn, and placed in groups on the Wait List based upon their preliminary assignment of Preference Points and by Lottery Number within groups.

Applications will be taken continuously or for specified periods of time – eligible applicants will have an equal chance of being drawn in the Lottery irrespective of the date and time of their application. Names will be drawn from the Pool as needed. The number of applicants drawn from the Pool will take into consideration the number remaining on the wait list and CMHA's estimate of the number of Vouchers becoming available for issuance.

Once an applicant is added to the Wait List, Full Application processing will begin. Final placement on the Wait List will be based upon the number of Admission Preference Points assigned at the completion of this processing. When multiple applications have the same number of Preference Points, the Lottery Number will determine the order of Voucher issuance. Applicants may be denied placement on or removed from a Wait List if they are determined to be ineligible for any reason or fail to comply with HCV program requirements.

**Lottery Pool Exceptions:** From time to time, HUD awards Housing Choice Vouchers to CMHA that are used for targeted populations, and CMHA also enters into contracts and agreements with supportive service providers under the HCV Project Based Voucher program that are used to provide the housing component of sponsor organization efforts to address the needs of special populations. These applications will not be placed in the Lottery Pool, but will be added to the Wait List and, based upon their Admission Preference points as described in Chapter 4, issued Vouchers as they become available.

### **3. CURRENT WAIT LIST**

Families on the current Wait List on the effective date of this policy will be automatically placed in the Lottery Pool. Because of the change in Application Policies and Procedures, CMHA has determined that families on the current Wait List will be pre-assigned a Lottery Number - e.g. , from 1 to 500 – at the time their Preliminary Applications are placed in the Lottery Pool. When a determination is made to add names to the Wait List, as names are drawn from the Lottery Pool, these current families will retain that Lottery Number. New Preliminary Applications will then be assigned a Lottery Number beginning at 501. As names are drawn from the Lottery Pool to be added to the Wait List and ranked and grouped in order of Preference Points received, if there are ties within ranking groups, the lower Lottery Number will place the current families on the Wait List ahead of the new applicants.

### **4. DISADVANTAGED POPULATIONS AND USE OF PROJECT-BASED VOUCHERS**

The Housing Choice Voucher Program and CMHA Admission Preferences allow CMHA to convert a limited percentage of its Vouchers from Tenant-Based to Project-Based Vouchers. In order to meet its objectives in serving disabled, handicapped and other low-income disadvantaged populations in the community, CMHA has elected to competitively award and commit Vouchers to organizations that make a commitment to providing supportive and social services to those families during the term of the Voucher. Applications under these CMHA commitments will bypass the Lottery Pool and be requested to submit a Full Application for verification and determination of eligibility and final assignment of Admission Preference Points before being placed on a Wait List.

### **5. INCOME TARGETING REQUIREMENTS**

No less than 75% of the families admitted to CMHA’s HCV programs during any calendar year must be Extremely Low-Income families earning less than 30% of the Columbus area median income as adjusted for family size. (Once admitted to the HCV program, incomes are permitted – and encouraged – to rise.) No family may be admitted to the HCV program if its earnings exceed 80% of the area median income as adjusted for family size. (These limits may be found on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))). Applicants added to the Wait List whose family earnings exceed the 30% limit may face a delay in receipt of a Voucher if CMHA is unable to meet the 75% test at a particular point in time; however, they will remain on the Wait List.

## **6. APPLICATION PROCESS**

There will be four steps in the application process leading to issuance of a Voucher to an eligible applicant that meets HUD and CMHA requirements:

- A. Preliminary Applications
- B. Lottery Pool Placements
- C. Wait List Drawing (Lottery)
- D. Submission of a Full Application

### **A. Preliminary Applications**

Anyone may submit a Preliminary Application for a Voucher. This Application is a self-declaration by the family of their family composition, income, assets and other information and must be completed in its entirety:

- Legal names and birth dates of all household members;
- Social Security Numbers
- Gender and relationship of family members;
- Address and telephone number;
- Amount and source of all income and assets;
- Information to confirm any disabilities of family members; and,
- Information related to selection preferences and criminal history, if any.

At this point, the information is not verified by CMHA, and no interview is required. Incomplete applications will be rejected in writing and may be resubmitted with new or revised information.

### **B. Lottery Pool Placement**

Preliminary Applications will be assigned provisional Admission Preference Points based upon the information submitted and placed in the Lottery Pool. (Admission Preference Points and CMHA priorities are described in Chapter 5)

After two years in the Lottery Pool without being drawn and placed on a wait list, the applicant will be notified that a new Preliminary Application must be submitted with updated information. All applications – new or updated - in the Lottery Pool, no matter when submitted, will have an equal chance of being drawn in the Lottery. Failure to submit updated information will result in the being withdrawn from the Lottery Pool.

### **C. Wait List Drawing (Lottery)**

CMHA will draw names from the Lottery Pool as Vouchers become available and applicants need to be added to the Wait List. As names are drawn, families will be assigned a Lottery Number based on the order of the drawing.

Applicants whose names are drawn will be notified and asked to confirm that they continue to be interested in receiving a Voucher. If no confirmation is given, the Application will be rejected and receive no further consideration. After confirmation is received, the applicant will be added to the Wait List in the appropriate Admission Preference (provisional) Points group and in the order based upon the Lottery Number within those groups.

### **D. Submission of the Full Application**

When CMHA determines that a Voucher can be issued to a family on the Wait List within 60 days, the Full Application process will be initiated. CMHA will mail a Personal Declaration Form to the family and schedule an interview. The Form must be completed by the family and brought to the scheduled interview.

CMHA will evaluate and verify current income, family composition and other information needed to determine program eligibility and the final determination of Admission Preference Points. Submission of fraudulent information in the Preliminary Application or Full Application can result in being removed from the Wait List and the Lottery Pool.

After the Full Application has been approved and a Final Determination of Eligibility is made, the application will be placed in its proper position on the Wait List. Vouchers will be issued from the Wait List based upon the number of verified Admission Preference Points and the Lottery Numbers. The timing of Voucher issuances will depend upon their availability.

## **7. FULL APPLICATION PROCESSING**

### **A. Requirement to Attend Scheduled Meeting**

The household head or spouse is required to attend the interview and sign the housing application. All adult members must sign the application and sign the required forms. If they cannot attend the scheduled interview appointment, it is the family's responsibility to reschedule the interview prior to the scheduled date. If the family misses their appointment, the family must contact CMHA to reschedule the appointment within 10 calendar days after the day of the initial appointment. If the family does not reschedule within 10 days, CMHA will reject the application. Families will be notified in writing if the application is rejected for this reason. No more than two appointments may be scheduled for the purpose of starting the full application process.

Rejection of the full application means that the household will be removed from the Wait List and the Lottery Pool and must wait six months from their rejection date before they can resubmit a Preliminary Application.

### **B. Submission and Verification of Full Application Information**

Information provided by the family on family composition, income, assets, allowances and deductions, preference status, full time student status, and other factors relating to eligibility must be verified before the family is issued a Voucher. Third party verifications (sent by mail) and by Internet are preferred. Verification requirements are described in Chapter 8.

At the family's initial appointment, CMHA may require the family to provide additional documents or certifications in order to complete the Full Application process. CMHA will schedule a "need-more" appointment with the family to enable the family to give the requested items directly to the application caseworker. The caseworker may also request that the family return or mail the additional needed items to CMHA's offices. A deadline for receiving required documents in person or by mail will be given to the family in writing and noted in the family's file.

CMHA will give a family no more than two opportunities, each with a 10-day response time, to provide the required additional information (for Social Security Numbers and legal name discrepancies, the family will be given a 30 day response time on the initial opportunity to respond). The family's refusal or inability to provide the requested information shall be grounds for removal from the Wait List, and there will be a six-month waiting period from the date of their removal before CMHA will accept a new Preliminary Application.

### **C. Final Determination and Notification of Eligibility**

Because HUD periodically issues changes in rules and regulations and because family circumstances may have changed between the Preliminary Application and the Full Application, CMHA will make a Final Determination of Eligibility and notify the family in writing after the Full Application and verification process is completed. The household is not eligible for Voucher issuance until this Final Determination has been made.

## **8. GROUNDS FOR DENIAL OF ELIGIBILITY OR ADMISSION**

In accordance with HUD regulations, CMHA may deny assistance to families or placement on a waiting list if any of the following conditions exist:

- If a member of the family has been evicted from Public Housing within the past three years from the court awarded eviction date.
- If CMHA has terminated assistance in CMHA's Voucher Program for any adult member of the family for program violations within the past three years from the termination date.

- If a member of the family has been convicted of or pled guilty to a drug-related or violent criminal activity within the past three years from placement on the wait list (preliminary eligibility date or from the final eligibility determination date).
- If a member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program at any time (life-time ban).
- If a family member has been engaged in the manufacturing or production of methamphetamine on the premises of any federally assisted housing at any time (life time ban).
- If a family member is subject to lifetime registration as a sexual offender at any time (life-time ban).
- If a family owes rent or other amounts to CMHA or to another housing authority in connection with the Housing Choice Voucher or Public Housing Program.
- If a family has not reimbursed a housing authority for amounts paid to an owner under a HAP contract for tenant-caused damages to the unit or other amounts owed by the family under the lease.
- If a family has breached an agreement with a housing authority to pay amounts owed to a housing authority.
- If a family has engaged in or threatened abusive or violent behavior toward CMHA staff in the course of making and completing an application for housing assistance.

For applicants under the sponsorship of a supportive services organization (e.g., the Columbus Shelter Board's Rebuilding Lives Program), the three-year period of ineligibility for drug and violent criminal activity is reduced to a 1-year period. All other eligibility conditions must be met.

With the exception of the sexual offender status, this section shall not apply to admission to the Shelter Plus Care Program. CMHA does not select participants for the Shelter Plus Care Program but does screen them for HCV program eligibility.



## **9. RIGHT TO INFORMAL REVIEW**

Applicants who are denied eligibility for or admission to the Housing Choice Voucher Program at either the Preliminary or Full Application stage are entitled to an informal review of the decision.

Ineligible families will be sent a letter stating the reason for their ineligibility and offering them an opportunity for an informal review. Families must submit their request for a review in writing to CMHA within 10 calendar days from the date of the notification. Informal reviews shall be conducted in accordance with Chapter 16 this Plan.

CMHA's decision to withdraw from the wait list the name of an applicant family that includes a person with disabilities is subject to reasonable accommodation in accordance with 24 CFR, Part 8. If the family did not respond to the CMHA's request for information or updates because of the family member's disability, CMHA will reinstate the applicant in the family's former position on the Wait List.

## **10. PRELIMINARY APPLICATION UPDATES**

Completed Preliminary Applications will be placed in the Lottery Pool. If not placed in the Lottery Pool, the family will be notified of the rejection and offered the opportunity to submit a new Preliminary Application with revised information.

After being placed in the Lottery Pool, applicants are responsible for reporting changes in family circumstances (addresses, income, family composition, etc.) electronically via the Applicant Information Update feature on the CMHA Website. This information will be used to re-evaluate the assignment of provisional Admission Preference Points. Failure to provide accurate information may result in failure to be added to the Wait List or to qualify for Voucher issuance.

## **11. APPLICATION EXPIRATION POLICY**

Preliminary Applications will be retained in the Lottery Pool for two years. If they have not been drawn in the Wait List Lottery by that time, the applicant will be notified that the Preliminary Application has expired and that a new Preliminary Application must be submitted for future consideration.

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 5: ADMISSION PREFERENCES

In order to fulfill its mission of providing rental housing subsidies to persons and families in need of assistance, CMHA has established a number of Admission Preferences for the issuance of Housing Choice Vouchers. These Preferences represent CMHA's policy determinations as to which HCV and PH program applicants should receive priority in the receipt of rental housing assistance.

This chapter describes the HUD and CMHA Admission Preferences that will be used to determine local priorities in the issuance of **Housing Choice Vouchers**.

Applicants will also be required to meet the HUD and CMHA eligibility requirements that are described in Chapter 3. HCV Application and Wait List Policies and Procedures are described in Chapter 4.

### **1. HUD MANDATED TARGETING**

A. HUD requires that no less than 75% of the families admitted to CMHA's HCV programs during any calendar year be Extremely Low-Income families earning or receiving income less than 30% of the Columbus area median income as adjusted for family size. (Once admitted to the HCV program, incomes are permitted – and encouraged – to rise.) Further, no family may be admitted to the HCV program if its earnings and/or total income exceed 80% of the area median income as adjusted for family size. (These limits may be found on the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com))). Applicants added to a Wait List whose total family income exceed the 30% limit may face a delay in receipt of a Voucher if CMHA is unable to meet the 75% test at a particular point in time; however, they will remain on the Wait List.

B. HUD, from time to time, provides Vouchers to CMHA for targeted populations (e.g., residents displaced by demolition of public housing units or for the near-elderly disabled). Issuance of these vouchers must be to the targeted population and are not subject to the wait list criteria of the HCV program. Accordingly, CMHA's local Admission Preferences are not applicable.

## **2. CMHA ADMISSION PREFERENCES**

CMHA has established the following Local Admission Preferences that will be used to select applicants to be placed on a Wait List and be issued a Housing Choice Voucher:

- A. Under 30% of Area Median Income (HUD 75% Program requirement)
- B. Family Composition Preference
  - 1. Families with 2 or more persons
  - 2. Families that include a person with disabilities.
  - 3. A household headed by a disabled or elderly person (62 years or older)
  - 4. Single persons who are age 62 or older, displaced, homeless or is a person with disabilities.
- C. Families residing in or who have been hired to work in the eight county Columbus Metropolitan Area (Franklin, Union, Delaware, Madison, Pickaway, Licking, Union and Fairfield).
- D. An active duty military or veteran's preference pursuant to the Ohio Revised Code
- E. Families not receiving any permanent rental assistance. Rental assistance is defined as any type of federal, state, or local housing rental assistance payment that is currently received by the family. Examples include, but are not necessarily limited to, HOPWA, HOME, Section 202 rental assistance, Shelter Plus Care, Ohio Department of Alcohol and Drug Addiction Services and/or Mental Health rental assistance, Housing Choice Voucher Project-Based, or Public Housing Programs. Rental Assistance does not include any type of rental assistance that is categorized as temporary or transitional in nature.
- F. Referrals from social service and housing organizations providing supportive services to participants in CMHA's Project-Based Voucher Program.
- G. Referrals from local supportive service organizations that have agreements with CMHA to provide supportive services to homeless, displaced and/or disabled persons and families and other at-risk populations, including referrals from Columbus Community Shelter Board agencies and the Franklin County ADAMH Board.
- H. CMHA public housing families who elect to permanently relocate because of a Rental Assistance Demonstration (RAD) conversion at their development that requires relocation.

## **3. ASSIGNMENT OF ADMISSION PREFERENCE POINTS**

As Preliminary Applications are submitted and placed in the Lottery Pool, Admission Preference Points will be assigned without verification on a provisional basis. At the time Full Applications

are submitted, all information will be reviewed and verified and a final assignment of Admission Preference Points that governs Wait List priorities will be made.

Applicants will receive points for each Preference for which they qualify, and the points will be added to determine a ranking number. Points will be assigned as follows (indexing corresponds to the information immediately above):

**A. HUD Mandated Preference** - Under 30% of AMI adjusted for family size 3 Point

**B. Family Composition Preference** - Applicants are only entitled to points from one of these sub categories for a maximum of 11 points:

- |   |           |
|---|-----------|
| 1. Families with 2 or more persons  | 11 Points |
| 2. Families that include a person with disabilities.  | 11 Points |
| 3. Household headed by a disabled or elderly person (62 or older)                             | 11 Points |
| 4. Single persons who are age 62 or older, displaced, homeless or a person with disabilities. | 11 Points |

**C. Metropolitan Area Resident** 1 Point

**D. Veteran Preference per Ohio Revised Code** 1 point

**E. Families not receiving any permanent rental assistance** 5 Points

**F. Project Based Voucher Program referrals (see footnotes below)** 30 Points

**G. Supportive Service Provider referrals (see footnotes below)** 30 Points

**H. RAD relocation of CMHA public housing families** 30 points

**Footnotes to F and G**

- 1. Applicants receiving 30 points under admission preferences F or G above will not be placed in the lottery pool (see chapter 4) but will be added to the existing wait list as priority preference placements.**
- 2. Category F, project based voucher program referrals, are CMHA contractual obligations and are limited to the number of project based vouchers under HAP contract.**
- 3. Category G, supportive service provider referrals, are CMHA obligations based upon agreements with sponsor organizations and may not exceed 200 vouchers at any time.**

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**CHAPTER 6. DETERMINATION OF VOUCHER SIZE**

**A. NUMBER OF BEDROOMS**

HUD regulations require that CMHA establish standards for determining the number of bedrooms and unit size a family is entitled to under the Housing Choice Voucher Program. The unit size assigned is designed to avoid overcrowding and serves as the basis for determining maximum rent that can be paid to an owner for the unit selected by the family.

The Housing Choice Voucher unit size remains the same as long as the family composition remains the same, regardless of the actual unit size selected (see B below).

The number of bedrooms is based on the following number of persons per household. **HQS Standards allow 2 persons per living/sleeping room and would permit the following occupancy conditions, assuming that a living room qualifies as a living/sleeping area:**

<b>Bedroom Size</b>	<b>Minimum No. of Persons in Household</b>	<b>Maximum No. of Persons in Household</b>
0-BR	1	1
1-BR	1	4
2-BR	2	6
3-BR	3	8
4-BR	4	10
5-BR	5	12
6-BR	6	14

The Payment standards for the Housing Choice Voucher are also subject to the following guidelines:

- It will not be necessary for persons of different generations or opposite sex, except for spouses (or those living as spouses) to occupy the same bedroom;
- Two children of the same sex may share a bedroom. CMHA may grant a larger bedroom size to accommodate different generations (ten years or greater);
- A single head of household shall not be required to share a bedroom with his/her children; and,
- A single individual with no other children who informs CMHA that she is pregnant at the time of her Voucher issuance may be assigned a 2-Bedroom Voucher.

The family may request a larger bedroom size Voucher by providing a written justification to CMHA. The family's request must be made within 10 days of the initial appointment to issue the Voucher.

CMHA will consider the request according to the conditions outlined in this Plan and determine whether or not the request will be granted. The necessity for an exception to unit size standards must be verified and documented. The granting of the exception shall be at the sole discretion of CMHA.

Special circumstances may dictate a larger bedroom size Voucher than the Payment Standards permit:

- Spouses who, because of verified medical reason, cannot share a bedroom and cannot locate a dwelling unit that has another room that can qualify as a sleeping area; or,
- An elderly person or person with a disability who requires a live-in attendant.
- Medical or therapy equipment of a size that requires a separate room.

CMHA will review the request and give the larger bedroom size Voucher if CMHA determines the request is reasonable.

## **B. UNIT SIZE SELECTED**

The family may select a smaller or larger dwelling unit size than the bedroom size that is listed on the Voucher with the following conditions:

- **Rent burden limitation.** The family's rent burden must not exceed 40 percent of the total cost of rent and utilities for the unit in question at initial lease up.
- **Utility Allowance.** The utility allowance used to calculate the gross rent is based on the **lower of the** actual size of the unit the family selects **in the voucher size issued.**
- A Project-based voucher **must** match the unit bedroom size being submitted.

## **C. DOCUMENTATION**

Modifications from the above listed policies must be documented in the applicant file.

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 7 - INCOME AND PAYMENT DETERMINATIONS

### INTRODUCTION

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment made by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. This chapter describes HUD regulations and CMHA policies related to these topics in three parts:

#### **Part 1: Annual Income**

HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and CMHA policies for calculating annual income are found in Part I.

#### **Part 2: Deductions and Adjustments to Income Determinations**

Once annual income has been established, HUD regulations require CMHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and CMHA policies for calculating adjusted income are found in Part II.

#### **Part 3: Calculating Family Share of Rent and CMHA Payment**

This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining CMHA Payment and required family share of rent payment.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 7. INCOME AND RENT DETERMINATIONS**

### **PART 1. ANNUAL INCOME**

#### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. Part I describes HUD regulations and CMHA policies related to Annual Income.

#### **A. OVERVIEW**

Annual income means all amounts which:

- (1) Are received by, or on behalf of, the family head or spouse (even if temporarily absent) and by any other family member, even if the funds are mailed to or accepted by another person who resides at another residence;
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date;
- (3) Are derived from assets to which any member of the family has access during the 12-month period following admission or annual reexamination effective date; and
- 4) Are derived from the operation of a family owned business (see Section G).

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets and are more fully described in the balance of Chapter 7-1, 7-2 and 7-3. (Also, see Exhibit 7-1 Annual Income Inclusions)

#### **B. HOUSEHOLD COMPOSITION AND INCOME**

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition when they occur. The rules on which sources of income are counted vary somewhat by family member. The following chart summarizes how family composition affects income determinations:



<b>Summary of Income Included and Excluded by Person</b>	
Live-in aides	Income from all sources is excluded as live in aides are not members of the household
Foster child or foster adult	Income from all sources is excluded
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under 18 years of age	Employment income is excluded All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students 18 years of age ( <u>including high school students</u> ) or older (not head, spouse, or co-head)	Employment income above \$480/year is excluded All other sources of income, except those specifically excluded by the regulations, are included.

## **1. Temporarily Absent Family Members**

### **Families must report absences and changes to household composition to CMHA when they occur.**

Families must notify CMHA in writing within 10 calendar days of the absence of any household member from the unit expected to last more than 30 consecutive days. The family must supply CMHA with requested information on the reasons for family member absences. The family's failure to report absences or refusal to cooperate shall be grounds for termination.

If the entire family is absent from the unit for more than 90 days in a calendar year, except for medical circumstances described below, the unit will not be considered to be their only place of residence and they will be terminated from the program.

CMHA will use the following in considering whether the absence of a family member is acceptable and whether the absence constitutes a basis for adjusting voucher size and/or income and rent calculations:

#### **a. Absence of children**

In a one parent home, if one or more children are removed from the parent by a child welfare agency, the family must provide written verification of the removal and the expected return date from the welfare agency or authorize CMHA to contact the child welfare agency to obtain this information. During the absence, the parent will retain eligibility as a remaining member of the family but, absent unusual circumstances, may be issued a smaller Voucher if the children are projected to be out of the home for more than six months from the initial removal date.

#### **b. Absence of Spouse**

If a spouse leaves the household and has been or will be absent for 3 months (90 days) or more, absent extenuating circumstances based on information provided by the family, the spouse will be removed from the lease. Absences due to school attendance or job training will not result in

removal from the lease unless a permanent residence is established in another location or a change in family composition is requested.

**c. Absence of Adult Children**

If an adult child has left the household and has been or will be absent for 3 months (90 days) or more, he/she will be considered permanently absent unless there are extenuating circumstances approved at CMHA's sole discretion. This includes adult children who enter the military service.

Military members returning from active duty may be added to the family's lease within 6 months of returning to civilian status at the Landlord's discretion, and then to the Voucher if the Landlord approves and if the family will continue to qualify for the Voucher Program. Only the returning military member may be considered.

A student (other than husband or wife) who attends school and resides away from home but lives with the family during school recesses may be considered permanently absent (income not counted, not on lease, not counted for Voucher size) or temporarily absent (income counted, on lease, counted for Voucher size) at the family's option. If CMHA learns that the student has established a separate household or the family declares that the student has established a separate household, the student will be removed from the lease and the voucher.

**d. Absences Due to Placement in Foster Care**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family for purposes of determining Voucher size unless they are projected to be out of the home for more than six months from the date of placement.

**e. Absence of Head of Household**

If a head of household leaves the household and has been or will be absent for 3 months (90 days) or more, absent extenuating circumstances based on information provided by the family, the head of household will be removed from the lease. If qualified for the Voucher Program, the remaining family member(s) may be re-issued a Voucher. Absences due to school attendance or job training will not result in removal from the lease unless a permanent residence is established in another location or a change in family composition is requested.

**2. Family Members Permanently Confined for Medical Reasons**

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted in the rent calculation. If requested, the family must present evidence that the former family member is confined on a permanent basis and should be removed from the lease and the Voucher..

When a confined individual who has been counted as a family member is permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualifies as an elderly person or a person with disabilities.

### **3. Re-admittance of an Elderly or a Disabled Person**

A single elderly or disabled person may be re-admitted to the Voucher Program if they were terminated for being out of their unit for longer than 6 months for a medical reason. A request for re-admittance must be made within 1 year of their termination date and a Voucher must be available for issuance.

### **4. Joint Custody of Dependents**

Dependents that are subject to a joint custody (shared parenting) arrangement will be considered a member of the family if they live with the applicant or participant family 51 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, CMHA will make the determination based on available documents such as court orders, or shared parenting agreements.

## **C. ANTICIPATING ANNUAL INCOME**

CMHA is required to count all income anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date. Policies related to anticipating annual income are provided below:

### **1. Basis of Annual Income Projection**

#### **a. Anticipated Income**

CMHA generally will use current circumstances (defined as circumstances at time of application or recertification interview) to determine anticipated income for the coming 12-month period. HUD authorizes CMHA to use other than current circumstances to anticipate income when:

- 1) An imminent change in circumstances is expected;
- 2) It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income); or
- 3) CMHA believes that past income is the best available indicator of expected future income. (because the tenant has had a consistent pattern of income during the preceding 2-3 years)

When CMHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), CMHA will review and analyze historical data on employment patterns, paid benefits, tax returns, and receipt of other income to establish anticipated annual income. The rationale for this decision will be

documented in the file. The family may present information and documentation to CMHA to show why the historic pattern does not represent the family's anticipated income.

#### **b. Known Changes in Income**

If CMHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving \$6/hour will begin to receive \$6.25/hour in the eighth week after the effective date of the reexamination. In such a case CMHA would calculate annual income as follows: ( $\$6/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}$ ) + ( $\$6.25 \times 40 \text{ hours} \times 45 \text{ weeks}$ ).

#### **c. Using the Enterprise Income Verification (EIV) System to Determine Anticipated Income**

The EIV is a HUD authorized system that maintains computerized information about earnings and benefits. Where possible, EIV information is used by CMHA in conjunction with family-provided documents to aid in determining and verifying the family's anticipated income. (Use of EIV in verifying family income is described in Chapter 8.)

If there are differences between EIV and family-provided income data discovered while making an anticipated income determination, CMHA will treat the differences as follows::

##### **No Substantial Difference (Less than \$200 per month)**

If EIV information for a particular income source differs from the information provided by a family by less than \$200 per month, CMHA will:

Use the family's information if the EIV figure is less than the family's figure.

Use the EIV data if the EIV figure is more than the family's claim, unless the family provides documentation of a change in circumstances to explain the discrepancy (e.g., a reduction in work hours). Upon receipt of acceptable family-provided documentation of a change in circumstances, CMHA will use the family-provided information.

##### **Substantial Difference (More than \$200 per month)**

If EIV information for a particular income source differs from the information provided by a family by \$200 or more per month, CMHA will:

Request and document third-party verifications from income sources.

Analyze all EIV, third-party, and family-provided data and attempt to resolve the income discrepancy.

Use the most current verified income data and, if appropriate, historical income data to calculate anticipated annual income.

## **D. TYPES OF EARNED INCOME INCLUDED IN RENT CALCULATIONS**

### **1. Wages and Related Compensation**

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income. For persons who regularly receive bonuses or commissions, CMHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, CMHA will use the prior year amounts. In either case the family may provide, and CMHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, CMHA will count only the amount estimated by the employer.

### **2. Some Types of Military Pay**

All regular pay, special pay and allowances of a member of the Armed Forces who is a household member are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

## **E. TYPES OF EARNED INCOME NOT COUNTED IN ANNUAL INCOME AND RENT CALCULATIONS**

(A complete list of exclusions is found in Exhibit 7-2 and 24 CFR 5.609(c))

### **1. Temporary, Nonrecurring, or Sporadic Income**

This type of income (including gifts) is not included in annual income. Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income exists.

### **2. Children's Earnings**

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income.

### **3. Certain Earned Income of Full-Time Students (Age 18 years or older)**

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program.

#### **4. Income of a Live-in Aide**

Income earned by a live-in aide is not included in annual income.

#### **5. Exclusion of Income Earned under Certain Federal Programs**

Income from some federal programs is excluded from consideration as income including:

- a) Payments to volunteers under the Domestic Volunteer Services Act of 1973.
- b) Payments received under programs funded in whole or in part under the Job Training Partnership Act.
- c) Awards under the federal work-study program.
- d) Payments received from programs funded under Title V of the Older Americans Act of 1985.
- e) Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990.
- f) Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998.

#### **6. Resident Service Stipends**

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a tenant for performing a service for CMHA or an owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No tenant may receive more than one such stipend during the same period of time.

#### **7. Income From State , Local and Other Employment Training Programs**

Incremental earnings and benefits to any family member resulting from participation in qualifying state, local or other employment training programs and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program.

Training may include, but is not limited to:

- (1) classroom training in a specific occupational skill,
- (2) on-the-job training with wages subsidized by the program, or
- (3) basic education.

CMHA defines incremental earnings and benefits as the difference between:

- (1) the total amount of welfare assistance and earnings of a family member prior to

enrollment in a training program, and

(2) the total amount of welfare assistance and earnings of the family member after enrollment in the program.

In calculating the incremental difference, CMHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058 or at the time of the annual reexamination.

#### **8. Income From HUD-Funded Training Programs**

Amounts received under training programs funded in whole or in part by HUD are excluded from annual income. To qualify as a training program, the program must meet the definition of training program provided above for State and Local Employment Training Programs.

#### **9. Earned Income Tax Credit**

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 are excluded from annual income. Although many families receive the EITC annually when they file taxes, EITC payments can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

#### **10. Earned Income Disallowance For Persons With Disabilities (This does not apply to applicants)**

The earned income disallowance (EID) encourages people with disabilities who are already HCV program participants to enter the work force by not including the full value of increases in earned income for a limited period of time, thereby reducing the amount of rent paid by the family.

Eligibility, calculation of the disallowance, the exclusive periods and the life time limitations are described in Exhibit 7-4. Eligibility and status will be reviewed and verified at each annual reexamination.

#### **11. Reimbursements**

Amounts received by a participant in other publicly assisted programs which are specifically for reimbursement of out-of-pocket expenses incurred by participant (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

### **F. BUSINESS INCOME**

Annual income includes "net income" (as determined by applicable Internal Revenue Service rules) from the operation of a business or profession. Expenditures for business expansion or

amortization of capital indebtedness shall not be used as deductions for determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

## **G. INCOME FROM ASSETS**

There is no asset limitation governing participation in the HCV program. However, HUD requires that CMHA include in annual income the interest, dividends, and other net income of any kind from real or personal property. CMHA will review with the applicant/participant CMHA's calculated value of reported assets and income derived therefrom in determining anticipated income and the tenant rent payment. (See Exhibit 7-3 for additional information on Treatment of Income from Family Assets.)

The following are considered to be assets:

1. Checking and Savings Accounts
2. Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds
3. Equity in Real Property or Other Capital Investments
4. Trusts
5. Retirement Accounts
6. Personal Property (e.g., gems, jewelry, and other items not essential for day-to-day living activities) and held as an investment
7. The cash value of Life Insurance

When net family assets are \$5,000 or less, CMHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$5,000, CMHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

## **H. PERIODIC PAYMENTS**

### **1. Periodic Payments Included in Annual Income**

Periodic payments received on a regular basis from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family. These payments also include disability or death benefits and lottery receipts paid periodically rather than in a single lump sum.



## **2. Lump-Sum Payments for the Delayed Start of a Periodic Payment**

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic Social Security (SS) or Supplemental Security Income (SSI) payments are not counted as income.

When a delayed-start payment (other than SS or SSI) is reported as anticipated income at the time when CMHA is processing an initial or annual reexamination, CMHA will consider the anticipated income in the rent determination.

## **3. Periodic Payments Excluded from Annual Income**

- a. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone).
- b. CMHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency.
- c. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- d. Amounts received under the Low-Income Home Energy Assistance Program.
- e. Amounts received under the Child Care and Development Block Grant Act of 1990.
- f. Earned Income Tax Credit (EITC) refund payments.
- g. Lump sums received as a result of delays in processing Social Security and SSI payments.

## **I. PAYMENTS IN LIEU OF EARNINGS—UNEMPLOYMENT & DISABILITY**

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts.

## **J. WELFARE ASSISTANCE**

Welfare assistance (OWF-Ohio Works First or GA-General Assistance) is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments. (Food Stamp assistance paid under

the heading of the SNAP program is not counted as income)

If sanctions are imposed by the welfare agency that result in the reduction of welfare benefits, CMHA must make a special calculation of annual income and rent to be paid by the family. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed. (See Chapter 7, Part 3, Section F for a full description of the impact on tenant paid rent when sanctions are applied.)

## **K. PERIODIC AND DETERMINABLE ALLOWANCES**

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

### **1. Alimony and Child Support**

CMHA must count alimony or child support amounts awarded as part of a divorce or separation agreement unless the funds have not been received for the previous 90 consecutive days from the review date. In that case, the family must demonstrate to CMHA's satisfaction that:

- (1) the payments are not being made; and
- (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments.

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

### **2. Regular Contributions and Gifts**

CMHA must count as income regular monetary and nonmonetary contributions and gifts from persons not residing with an assisted family. Temporary, nonrecurring, or sporadic income and gifts are not counted.

Examples of countable income from gifts and contributions include:

- (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments);
- (2) regular provision of cash to any family member; and,
- (3) regular provision of "in-kind" contributions and gifts.

Regular payment is defined as a family receiving monetary and nonmonetary contributions or gifts on at least 3 previous occasions in the 12 months prior to the date of the initial examination or subsequent reexaminations of income.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by CMHA. For contributions that may vary from month to month (e.g., utility payments), CMHA will include an average amount based upon past history.

## **L. STUDENT FINANCIAL ASSISTANCE**

In 2005, Congress passed a law (for Section 8 Programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

### **1. Student Financial Assistance Included in Annual Income**

The regulation requiring the inclusion of certain student financial assistance applies **only** to students who satisfy **all** of the following conditions:

- a. They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965;
- b. They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project-based certificate program, the project-based voucher program, or the moderate rehabilitation program; and
- c. They are under 24 years of age or they have no dependent children.

For students who satisfy these three conditions, any financial assistance received in excess of tuition (tuition will have the meaning given this term by the institution of higher education in which the student is enrolled) from the sources below must be included in annual income:

- a. Assistance under the Higher Education Act of 1965, including Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.
- b. Assistance from private sources, including assistance from nongovernmental sources such as parents, guardians, and other persons not residing with the student in an HCV assisted unit.
- c. From an institution of higher education as defined under the 1965 HEA

### **2. Student Financial Assistance Excluded from Annual Income**

Financial assistance (whether it is paid directly to the student or to the educational institution the student is attending) received by students meeting the following conditions will be excluded from family income:

- a. **Are residing with parents** who are eligible for or receiving Section 8 assistance;
- b. Are enrolled in an educational institution that does **not** meet the 1965 HEA definition of institution of higher education;
- c. Are over age 23 **AND** have at least one dependent child; or
- d. Are receiving financial assistance through a governmental program not authorized under the 1965 HEA.
- e. Is a veteran (reference **Federal Register** / Vol. 71, No. 68 / Monday, April 10, 2006 / Notices )

## EXHIBIT 7-1 ANNUAL INCOME INCLUSIONS

*a) Annual income means all amounts, monetary or not, which:*

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

*(b) Annual income includes, but is not limited to:*

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family; (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of Exhibit 7-2);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6) Welfare assistance payments.
  - (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
    - (A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
    - (B) Are not otherwise excluded under paragraph (c) of this section.
  - (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as

income shall consist of:

- (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
- (B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)
- (9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

<b>HHS DEFINITION OF "ASSISTANCE"</b>
---------------------------------------

**45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES**

**What does the term "assistance" mean?**

- (a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).
- (2) It includes such benefits even when they are:
  - (i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
  - (ii) Conditioned on participation in work experience or community service or any other work activity.
- (3) Except where excluded under paragraph(b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.
- (b) [The definition of "assistance"] excludes:
  - (1) Non-recurrent, short-term benefits that:
    - (i) Are designed to deal with a specific crisis situation or episode of need;
    - (ii) Are not intended to meet recurrent or ongoing needs; and
    - (iii) Will not extend beyond four months.

- (2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
- (3) Supportive services such as child care and transportation provided to families who are employed;
- (4) Refundable earned income tax credits;
- (5) Contributions to, and distributions from, Individual Development Accounts;
- (VII) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
- (7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 7. INCOME AND PAYMENT DETERMINATIONS

### PART 2. DEDUCTIONS AND ADJUSTMENTS TO INCOME DETERMINATIONS

A family's income determines eligibility for assistance, the amount of the family rent payment to the landlord and the amount of the rent payment by CMHA to the landlord. CMHA must ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the Program regulations. Part 2 describes deductions and adjustments to income.

#### A. INTRODUCTION

##### 1. Overview

HUD regulations require CMHAs to deduct from annual income five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. The deductions are as follows:

- a. \$480 for each dependent;
- b. \$400 for any family whose head, co-head or spouse is aged or disabled and therefore classified as an elderly or disabled family;
- c. Unreimbursed medical expenses of any elderly family or disabled family to the extent the sum exceeds three percent of annual income;
- d. Unreimbursed reasonable attendant care and auxiliary apparatus expenses, for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, to the extent the sum exceeds three percent of annual income, This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- e. Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

Part 2 covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 8.

##### 2. Determination of Anticipated Expenses

Generally, CMHA will use current circumstances to estimate the amount of anticipated expenses that will be allowed in the income calculation. For costs that are expected to



fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), CMHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, CMHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts deducted at previous determinations of income will not be allowed even if the amounts were not paid as expected in a preceding period. CMHA may require the family to provide documentation of payments made in the preceding year.

## **B. DEPENDENT DEDUCTION**

A deduction of \$480 is given for each dependent. Dependent is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are not dependents.

## **C. ELDERLY OR DISABLED FAMILY DEDUCTION**

A single deduction of \$400 is given for any elderly or disabled family. An elderly family is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a disabled family is a family **whose head, spouse, co-head, or sole member is a person with disabilities.**

## **D. MEDICAL EXPENSES DEDUCTION**

The medical expense deduction is permitted only for families in which the **head, spouse, or co-head is at least 62 or is a person with disabilities**. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

### **1. Definition of Medical Expenses**

The most current IRS Publication 502, Medical and Dental Expenses, will be used to determine what costs qualify as medical expenses. The following chart is a summary of allowable expenses:

<b>Summary of Allowable Medical Expenses from IRS Publication 502</b>	
<p>Services of medical professionals</p> <p>Surgery and medical procedures that are necessary, legal, non-cosmetic</p> <p>Services of medical facilities</p> <p>Hospitalization, long-term care, and in-home nursing services</p> <p>Prescription medicines and insulin, <u>but not nonprescription medicines even if recommended by a doctor</u></p> <p>Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)</p>	<p>Substance abuse treatment programs</p> <p>Psychiatric treatment</p> <p>Ambulance services and some costs of transportation related to medical expenses</p> <p>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</p> <p>The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included. Medical insurance premiums or the cost of a health maintenance organization (HMO).</p>

**Note:** This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

## **2. Families That Qualify for Both Medical and Disability Assistance Expenses**

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities.

When expenses anticipated by these families could be defined as either medical or disability assistance expenses, CMHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable the disabled person or other family member to work.

### **E. DISABILITY ASSISTANCE EXPENSES DEDUCTION**

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they:

- (1) are necessary to enable a family member 18 years or older to work;
- (2) are not paid to a family member or reimbursed by an outside source;
- (3) in combination with any medical expenses, exceed three percent of annual income;

and,

(4) do not exceed the earned income received by the family member who is enabled to work.

### **1. Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work.

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, CMHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When CMHA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members’ earned incomes.

### **2. Eligible Auxiliary Apparatus and Related Expenses**

Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work.

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

### **3. Eligible Attendant Care**

The family determines the type of attendant care that is appropriate for the person with disabilities.

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing

impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, CMHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

#### **4. Payments to Family Members**

No disability assistance expenses may be deducted for payments to a member of an assisted household. However, expenses paid to a relative who is not a member of the assisted household may be deducted to the extent they are not reimbursed by an outside source.

#### **5. Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

CMHA determines the reasonableness of the expenses based upon cost information supplied by the family and on typical costs of care or apparatus in the locality. To establish typical costs, CMHA will request information from organizations that provide services and support to persons with disabilities. A family may present, and CMHA will consider, the family's justification for costs that exceed typical costs in the area.

### **F. CHILD CARE EXPENSE DEDUCTION**

Child care expenses are defined as amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care.

To establish the reasonableness of child care costs, CMHA will use the schedule of child care costs from the local welfare agency. Families may present, and CMHA will consider, justification for costs that exceed typical costs in the area. In the case of child care necessary

to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

### **1. Clarifying the Meaning of Child Care for This Deduction**

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household. However, unreimbursed child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses. Child care payments cannot be paid to another household member and be qualified as a legitimate deduction.

### **2. Determining Who Is Enabled to Pursue an Eligible Activity**

The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, CMHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

### **3. Seeking Work**

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by CMHA.

### **4. Furthering Education**

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care costs claimed. The time allowed may include not more than one study hour for each hour spent in class and reasonable transportation time.

### **5. Being Gainfully Employed**

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full or

part-time) for which a family member is compensated. Only one family member's income will be considered in calculating the deduction. When more than one family member works during a given period, CMHA generally will limit allowable child care expenses to the earned income of the lowest-paid member.

## **6. Earned Income Limits and Caps on Child Care Expense Deduction**

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by the amount of employment income that is included in annual income. The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the Earned Income Disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000 (see Exhibit 7-4 for additional EID information).

If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

## **7. Allowable Child Care Activities**

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, CMHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care. If a child is age 13 or over, disabled and in need of child/attendant care in order for the head of household to work, see Section 8 C (8-4-2 ) regarding disability expenses incurred to allow household member to be employed.

## **EXHIBIT 7-2: ANNUAL INCOME EXCLUSIONS**

### **Annual income does not include the following:**

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in Sec. 5.403;
- (VII) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD;
- (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for CMHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of CMHA's governing board. No resident may receive more than one such stipend during the same period of time;
- (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- (9) Temporary, nonrecurring or sporadic income (including gifts);
- (10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

**(17) Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits (Updated from the July 17, 2012 Federal Register):**

(i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

(ii) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(f)(1), 5058);

(iii) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

(iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

(v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04);

(vii) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-8);

(viii) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109-249 applies and requires that the amount of financial assistance in excess of tuition shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109-247);

(ix) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C.3056g);

(x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange liability



- litigation, M.D.L. No. 381 (E.D.N.Y.) (Pub. L. 101–201 and 101–39);
- (xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Public Law 96–420, 25 U.S.C. 1721) pursuant to 25 U.S.C. 1728(c);
- (xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- (xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(l));
- (xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);
- (xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C.12637(d));
- (xvi) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602);
- (xvii) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- (xviii) Any amount received under the School Lunch Act and the Child Nutrition Act of 1966 (42 U.S.C.1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
- (xix) Payments, funds or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));
- (xx) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437) by Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, 42 U.S.C. 4501);
- (xxi) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) and administered by the Office of Native American Programs; and
- (xxii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouise Cobell et al. v. Ken Salazar et al., United States District Court, District of Columbia, as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291).

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**1.**

### **CHAPTER 8 –VERIFICATIONS OF INFORMATION**

CMHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain the family's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The cost of verifications is borne by CMHA..

CMHA follows the verification guidance provided by HUD. Verification policies, rules and procedures may be modified as needed to accommodate persons with disabilities. This chapter summarizes those requirements and provides supplementary CMHA policies.

This Chapter 8 is divided into four parts:

Part 1 - General Verification Requirements

Part 2 - Verification of Family Information

Part 3 - Verification of Income and Assets

Part 4 - Verification of Mandatory Deductions

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**CHAPTER 8. VERIFICATIONS OF INFORMATION**

**PART 1. GENERAL VERIFICATION REQUIREMENTS**

**A. FAMILY CONSENT TO RELEASE OF INFORMATION**

**1. Consent Forms**

The family must supply any information that CMHA determines is necessary to the administration of the program and must consent to CMHA verification of that information. All adult applicants and participants (18 years and older) must sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and CMHA may collect information from State Wage Information Collection Agencies (SWICA) and current and former employers of adult family members. Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

**2. Penalties for Failing to Consent**

If any family member who is required to sign a consent form fails to do so, CMHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with CMHA procedures. (See Chapter 19)

**B. OVERVIEW OF VERIFICATION REQUIREMENTS**

**1. Verification Hierarchy/Priority – HUD Notice PIH 2010 - 19**

<b>Level</b>	<b>Verification Technique</b>	<b>Ranking</b>
<b>6</b>	<b>Upfront Income Verification (UIV)</b> using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	<b>Highest (Mandatory)</b>
<b>5</b>	<b>Upfront Income Verification (UIV)</b> using non-HUD system	<b>Highest (Optional)</b>
<b>4</b>	<b>Written third Party Verification</b>	<b>High</b> (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information <b>and</b> is unable to provide acceptable documentation to support dispute)

<b>3</b>	<b>Written Third Party Verification Form</b>	<b>Medium-Low</b> (Mandatory if written third party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
<b>2</b>	<b>Oral Third Party Verification</b>	<b>Low</b> (Mandatory if written third party verification is not available)
<b>1</b>	<b>Tenant Declaration</b>	<b>Low</b> (Use as a last resort when unable to obtain any type of third party verification)

## 2. Requirements for Acceptable Documents

Any documents used for verification must be the original (not photocopies) and generally must be dated within 30 calendar days of the date of the family’s appointment. The documents must not be damaged, altered or in any way illegible.

Print-outs from web pages are considered original documents.

Any family self-certifications must be made on a form provided by CMHA and must be signed in the presence of a CMHA representative.

**Verification documents will be maintained in the family’s file.**

## C. VERIFICATION TECHNIQUES - REFERENCE PIH 2010 - 19 (HA)

The verification methods for each LEVEL are listed and discussed below.

### LEVELS 5 AND 6 - UPFRONT INCOME VERIFICATION (UIV)

The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.

The HUD Enterprise Income Verification (EIV) system uses data obtained from other federal agencies that maintain computerized information about earnings and benefits. HUD’s EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for applicants and participant families. CMHA will use the EIV system whenever possible.

The EIV system is available to CMHA as a UIV technique. CMHA will also use other non-HUD UIV tools, such as The Work Number (an automated verification system) and state government databases, to validate tenant-reported income.

CMHA will inform all applicants and participants of EIV use during the admission and reexamination process. There may be substantial - but legitimate - differences between the

information provided by the family and EIV-generated information. No adverse action can be taken against a family until CMHA has independently verified the EIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of CMHA.

### **1. Definition of Substantial Difference**

EIV information is used differently depending upon whether there is a substantial difference between information provided by the family and the EIV information. HUD recommends and CMHA will use \$200 per month as the threshold for a substantial difference (See Chapter 7 for CMHA's policy on the use of EIV to project annual income and determine the tenant portion of rent.)

### **2. When No Substantial Difference Exists**

If EIV information does not differ substantially from family information, the EIV documentation may serve as third-party written verification.

### **3. When a Substantial Difference Exists**

When there is a substantial difference between the information provided by the EIV source and the family, CMHA must request another form of third-party written verification and/or use any other verification methods (in the order of their preference) to reconcile the difference(s).

### **4. EIV Identity Verification**

The EIV system verifies tenant identities against SSA records. These records are compared to CMHA and HUD data for a match on Social Security number, name, and date of birth. CMHA will notify participants if their identity verification has failed as part of the initial and annual reexamination processes.

## **LEVEL 4 - WRITTEN THIRD PARTY VERIFICATION**

This is an original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or the PHA request date. Such documentation may be in the possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD and CMHA's position that such tenant-provided documents are written third party verification since these documents originated from a third party source. HUD permits CMHA, at its discretion, to reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.

Examples of acceptable tenant-provided documentation (generated by a third party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment

stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents must be used for income and rent determinations.

CMHA is required by HUD to obtain, at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, CMHA will project income based on the information from a traditional written third party verification form or the best available information.

**Note:** Documents older than 60 days (from the CMHA interview/determination or request date) is acceptable for confirming effective dates of income.

If third-party verification is required, CMHA will make at least two attempts to obtain third-party verification before proceeding to the next preferred verification method. CMHA will request written third party verification under the following circumstances:

- a.** When the tenant disputes the EIV information and is unable to provide acceptable documentation to support his/her dispute (24 CFR §5.236(b));
- b.** When CMHA requires additional information that is not available in EIV and /or the tenant is unable to provide CMHA with current acceptable tenant-provided documentation. Examples of additional information, includes but is not limited to:
  - i.** Effective dates of income (i.e. employment, unemployment compensation, or social security benefits)
  - ii.** For new employment: pay rate, number of hours worked per week, pay frequency, etc.
  - iii.** Confirmation of change in circumstances (i.e. reduced hours, reduced rate of pay, temporary leave of absence, etc.)

**1. Reasonable Effort and Timing**

Third-party verifications will be requested in writing and/or orally. Information received orally may be used either to clarify information provided in writing by the third party or as an independent verification when written verification is not received in a timely fashion. Third party responses may be mailed, faxed, e-mailed or hand-delivered to CMHA.

**2. When Third-Party Information is Late**

When third-party verification has been requested at least twice and the timeframes for submission have been exceeded, CMHA will use information from documents provided by the client on a provisional basis for the determinations of eligibility, income and rent.

If CMHA later receives third-party verification that differs from information provided by the applicant or participant, CMHA will process an interim reexamination to adjust prior determinations.

### **3. When Third Party Verification Is Not Required**

- **Primary Documents**--Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.
- **Certain Assets and Expenses**--CMHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value. CMHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$5,000 annually *and* the family has original documents (dated within 30 days of the appointment date) that support the declared amount.

### **4. Unavailability of Third-Party Verifications**

CMHA will determine that third-party verification is not available and use other verification methods when an information source does not have the ability to provide written or oral third-party verification. For example, CMHA will rely upon review of documents when CMHA determines that a third party's privacy rules prohibit disclosure of the requested information.

CMHA also will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. If the family cannot provide original documents, a self-certification will be acceptable as the only means of verification.

## **LEVEL 3 - WRITTEN THIRD PARTY VERIFICATION FORM**

This is also known as traditional third party verification. A standardized form is used to collect information from a third party source. The form is completed by the third party by hand (in writing or typeset). CMHA will send the form directly to the third party source by mail, fax, or email.

It is HUD's and CMHA's position that the administrative burden and risk associated with use of the traditional third party verification form may be reduced by relying on acceptable documents that are generated by a third party, but in the possession of and provided by the tenant (or applicant). Many documents in the possession of the tenant are derived from third party sources (i.e. employers, federal, state and/or local agencies, banks, etc.).

HUD and CMHA recognize that third party verification request forms sent to third party

sources often are not returned. In other instances, the person who completes the verification form may provide incomplete information; or some tenants may collude with the third party source to provide false information; or the tenant intercepts the form and provides false information.

HUD requires CMHA to rely on documents that originate from a third party source's computerized system and/or database, as this process reduces the likelihood of incorrect or falsified information being provided on the third party verification request form. The use of acceptable tenant-provided documents, which originate from a third party source, will improve the integrity of information used to determine a family's income and rent and ultimately reduce improper subsidy payments. This verification process will also streamline the income verification process.

## **LEVEL 2 - ORAL THIRD PARTY VERIFICATION**

Independent verification of information by contacting the individual income/expense source(s), as identified through the UIV technique or identified by the family, via telephone or in-person visit. PHA staff should document in the tenant file, the date and time of the telephone call (or visit to the third party), the name of the person contacted and telephone number, along with the confirmed information. This verification method is commonly used in the event that the independent source does not respond to the PHA's faxed, mailed, or e- mailed request for information in a reasonable time frame, i.e., ten (10) business days.

## **LEVEL 1 - TENANT DECLARATION**

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA must document in the tenant file why third party verification was not available.

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to CMHA. CMHA may also require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made on a form provided by CMHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a CMHA representative.



**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**CHAPTER 8. VERIFICATIONS OF INFORMATION**

**PART 2. VERIFYING FAMILY INFORMATION**

**A. LEGAL IDENTITY**

Families must furnish verifiable information on the legal identity of each household member.

Hierarchy of Verification for Legal Adults and Children

<b>Verification of Legal Identity for Adults</b>	<b>Verification of Legal Identity for Children</b>
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or state identification card U.S. military discharge (DD 214) Current U.S. passport Employer identification card	Certificate of birth Adoption papers Custody agreement Jobs and Family Services ID Card School records

If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

Legal identity must be verified at each contact with adult family members.

**B. SOCIAL SECURITY NUMBERS**

Every family member must provide documentation of a valid social security number (SSN) or a self-certification stating that no SSN has been issued. See Chapter 3, Section C for a description of acceptable documentation.

Social security numbers will be verified only once during continuously-assisted occupancy unless a discrepancy occurs.

Each person added to the family by birth, custody or marriage or as a live-in aide must provide their social security number for purposes of conducting criminal background checks and previous program participation. New adult family members must also meet eligibility requirements and not owe CMHA funds from any previous or current participation.

**C. AGE**

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members, an original document that provides evidence of

the receipt of social security retirement benefits is acceptable.

If an official record of birth or evidence of social security retirement benefits cannot be provided, CMHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded). Self-certification is not permitted.

Age will be verified only once during continuously-assisted occupancy unless a discrepancy occurs.

#### **D. FAMILY RELATIONSHIPS**

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in Chapter 3, Section A – Family Composition.. Certification by the head of household normally is sufficient verification of family relationships except in the following instances:

##### **1. Marriage**

A marriage certificate is required to verify that a couple is married. Self-certification is not permitted.

##### **2. Separation or Divorce**

**The following information is acceptable for verification purposes:**

- A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.
- A copy of a court-ordered maintenance or other court record is required to document a separation.
- If no court document is available, written documentation from a recognized community-based agency may be accepted.
- A sworn written affidavit signed in the presence of CMHA.

##### **3. Absence of Adult Member**

If an adult who was formerly a member of the household is reported to be **permanently absent**, the family must provide documented evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill). As a last resort, a sworn affidavit from the head of household attesting to the fact that the adult member has permanently left the household may be accepted.

Temporary absences of family members must also be reported to CMHA (See Chapter 7, Part 1, Section B.1).

#### **4. Foster Children and Foster Adults**

Documentation from the state or local government agency responsible for the placement of the individual with the family is required.

#### **5. Guardianship**

The following hierarchy will be used to verify guardianship:

1. Court-ordered assignment.
2. Documentation from a social services agency.
3. School records.

### **E. STUDENT STATUS**

CMHA requires families to provide information about the student status of all family members who are 18 years of age or older. This information will be verified only if:

- The family reports full-time student status for an adult other than the head, spouse, or co-head.
- The family reports child care expenses to enable a family member to further his or her education.
- The family includes a student enrolled in an institution of higher education.

#### **1. Restrictions on Assistance to Students Enrolled in an Institution of Higher Education**

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are eligible for or receiving HCV assistance.

As provided in 24 CFR 5.612, no assistance shall be provided under section 8 of the 1937 Act to any individual who:

- (a) Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and ;
- (b) Is under 24 years of age;
- (c) Is not a veteran of the United States military;
- (d) Is unmarried;

(e) Does not have a dependent child;

(f) Is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the 1937 Act and was not receiving assistance under section 8 of the 1937 Act as of November 30, 2005; and

(g) Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

## **2. Independent Student Status**

CMHA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's HCV program eligibility. Documentation furnished to CMHA must be sufficient to:

- Determine whether the student has established a household separate from his/her parents for at least one year;
- Determine whether the student meets the U.S. Department of Education's definition of independent student;
- Determine whether a parent has claimed the student as a dependent on prior year income tax returns; and
- Determine by information from the student's parents the amount of support they will be providing to the student, even if the amount of support is \$0.

## **F. DISABILITY**

CMHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. A person with disabilities:

(1) means a person who:

(a) Has a disability, as defined in 42 U.S.C. 423;

b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(i) Is expected to be of long-continued and indefinite duration;

(ii) Substantially impedes his or her ability to live independently;  
and

(iii) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(c) Has a developmental disability as defined in 42 U.S.C. 6001.

(2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome; and

(3) Means "individual with handicaps", as defined in Sec. 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

### **Verifying Disabilities:**

#### **1. Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions.

For family members claiming disability who receive disability benefits from the SSA, CMHA will attempt to obtain information about disability benefit amounts through the HUD Enterprise Income Verification (EIV) system when it is available. The family must request a current SSA benefit verification letter (dated within the last 30 days of the appointment) from each family member claiming disability status and provide it to CMHA.

#### **2. Family Members Receiving Disability Benefits From Other Entities**

For family members claiming a disability who do not receive disability benefits from the SSA but from another entity, a professional licensed by the State of Ohio must provide

third-party verification that the family member meets the HUD definition of disability that is listed above

## **G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS**

Housing assistance is only available to persons who are citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. See Chapter 3, Section G for a description of eligibility requirements.

For verification purposes, the family must complete a certification (214 Immigration/Citizenship Status) for each family member that identifies them as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen. One of the documents discussed below for each family member must be provided. Once eligibility to receive assistance has been verified for an individual, no further verification is required during continuously-assisted occupancy unless a discrepancy arises or the person's status changes..

### **1. U.S. Citizens and Nationals**

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless CMHA has or receives information indicating that an individual's declaration may not be accurate. CMHA may then request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

### **2. Eligible Immigrants**

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals and provide verifiable documentation of their status.

#### **a. Elderly Non-Citizens**

For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on September 30, 1996 or applying for assistance on or after that date, the evidence consists of:

- A signed declaration of eligible immigration status; and
- Proof of age document.

#### **b. All Other Non-Citizens**

For family members under the age of 62 who claim to be eligible immigrants, CMHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS). The family must provide CMHA with one of the following

documents applicable to their immigration status:

1. Resident Alien Card (I-551) (for permanent resident aliens);
2. Arrival Departure Record (I-94) with one of the following annotations:
  - a. "Admitted as Refugee Pursuant to Section 207"
  - b. "Section 208" or "Asylum"
  - c. "Section 243(h)" or "Deportation stayed by Attorney General"
  - d. "Paroled pursuant to Section 212(d)(5) of the INA"
3. If Form I-94, Arrival-Departure Record, is not annotated, then accompanied by one of the following documents:
  - a. A final court decision granting asylum (but only if no appeal is taken);
  - b. A letter from an INS asylum officer granting asylum (if application is filed on or after 10-1-1990) or from an INS district director grant asylum (if application filed before 10-1-1990);
  - c. A court decision granting withholding of deportation; or
  - d. A letter from an INS asylum officer granting withholding of deportation (if application filed on or before 10-1-1990)
4. Temporary Resident Card (I-688) which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 247a.12"; Employment Authorization Card (I-688B) which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law247a.12."
5. Receipt issued by INS for issuance of replacement of any of the above documents has been made and the applicant's entitlement to the document has been verified.
6. Other accepted evidence as announced by INS.

CMHA will follow all USCIS protocols for verification of eligible immigration status.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 8. VERIFICATIONS OF INFORMATION**

### **PART 3. VERIFICATION OF INCOME AND ASSETS**

HCV Program Applicants and Participants are responsible for providing CMHA with appropriate and verifiable documentation for each type of income received and each type of assets.

#### **A. EARNED INCOME**

##### **1. Tips**

If tip income is not included in a family member's W-2 or pay stubs by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year. Imputed income from tips will be calculated at 15% (??)of the base income.

##### **2. Income from Employment**

Documentation must include::

- Date of hire;
- Frequency of pay;
- Effective date of the last pay increase; and
- Probability and effective date of any increase during the next 12 months.

Employment verification forms completed or provided by the employer may include:

- Check stubs or earning statements showing employee's gross pay per pay period and frequency of pay.
- W-2 forms if the family has had the same job for at least two years and pay increases can be accurately projected.

#### **B. BUSINESS AND SELF EMPLOYMENT INCOME**

Business owners and self-employed persons will be required to provide:

- Affidavits or income tax returns signed by the family describing self-employment.
- All forms and schedules completed and filed with federal and local tax returns in the preceding year.
- An audited financial statement for the previous fiscal year if an audit was conducted.



- If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify to its accuracy.
- A schedule of income and expenses for the coming year, If not provided, CMHA may use the prior year as a baseline for estimating income for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.
- At CMHA's request, documents needed to support submitted financial statements.

If a family member has been self-employed less than 3 months, CMHA will accept the family member's certified estimate of income. If the family member has been self-employed for 3 to 12 months CMHA will require the family to provide documentation of income and expenses for this period and use that information to project annual income.

## **C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS**

### **1. Social Security/SSI Benefits**

To verify the SS/SSI benefits of participants, CMHA will obtain information about social security/SSI benefits through the HUD EIV System.

If benefit information is not available in EIV or is outdated, CMHA will request that family members obtain a current (dated within the last 30 days from the interview appointment) benefit verification letter from the Social Security Administration.

## **D. ALIMONY OR CHILD SUPPORT PAYMENTS**

If the family declares that it has been awarded and is receiving alimony or child support payments, verification will be sought in the following order:

- If payments are made through a state or local entity, CMHA will request a record of payments for the past 90 days and request that the entity disclose any known information about the likelihood of future payments. In lieu of a 3<sup>rd</sup> party request to the Child Support Enforcement Agency, clients receiving or potentially eligible for benefits through any Ohio CSEA may request this information from the agency online and obtain a print out documenting benefit payments received.
- Computer generated pay history of the last 90 days, or copies of the last checks or stubs for the most recent 90 day period if the past history is not available.
- Third-party verification from the person paying the alimony or support.
- Copy of the separation or settlement agreement or divorce decree stating the amount and type of support and payment schedules. If payments are not current, a payment history must be provided.

- Family's self-certification of amount received and of the likelihood of alimony or support payments being received in the future.

If the family declares that it has been awarded but is not receiving alimony or support payments on a regular basis, the family must self-certify to this fact at its initial examination of income and all subsequent reexaminations.

#### **E. ASSETS AND INCOME FROM ASSETS**

HCV Program Applicants and Participants are required to disclose assets and income from assets to CMHA at the initial examination and all subsequent reexaminations of family income. Assets include:

1. Amounts in savings and checking accounts.
2. Stocks, bonds, money market funds and other investment accounts.
3. Equity in real estate or other capital investments.
4. Trusts
5. Retirement Savings Accounts
6. Contributions to company retirement funds
7. Assets which are co-owned with another person
8. Lump-sum receipts such as inheritances, lottery winnings, and other one-time events.
9. Personal property held as an investment such as gems, coin collections, etc.
10. Cash value of life insurance policies.
11. Assets disposed of for less than Fair Market Value during the preceding 2 years.

The family must provide CMHA with verifiable documentation concerning these assets. CMHA will determine what amounts, if any, should be included in the calculation of annual family income (see Chapter 7, Exhibit 7-3 ) and review it with the family. If the family disagrees with CMHA's determination, they may request a review and informal hearing under the provisions of Chapter 19 – Complaints and Appeals by Owners and Families.

#### **F. NET INCOME FROM RENTAL PROPERTY**

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current tenant of that property as to the rent being paid.
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, CMHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## **G. RETIREMENT ACCOUNTS**

When third-party verification is not available, the family member's retirement status must be evidenced by a current (within the 30 days preceding the appointment) original document from the entity holding the account that shows the balance in the account, any distributions of the account balance, any lump sums taken from the account and/or any regular payments being made from the account.

## **H. INCOME EXCLUSIONS**

If a family member has income that the family claims should be excluded from the calculation of annual family income, the family must provide documentation supporting their claim. CMHA will review the documentation and obtain appropriate verifications. CMHA will review its determination with the family and provide an opportunity for an appeal and informal hearing (see Chapter 19) if the family disagrees.

## **I. ZERO ANNUAL INCOME STATUS**

CMHA will check EIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SSI, etc., are not being received by families claiming to have zero annual income. All adult family members (18 years or older) must execute an affidavit declaring zero income.

## **J. STUDENT FINANCIAL ASSISTANCE**

Any reported financial assistance in excess of amounts received for tuition that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are eligible for or receiving HCV assistance.

For students over the age of 23 with dependent children or students residing with parents who are eligible for or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education. Excluded amounts are verified only if, without verification, CMHA would not be able to determine whether or to what extent the income is to be excluded.

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with HUD regulations, CMHA may request third-party written verification of both the source and the amount from the educational institution attended by the student as well as from any other person or entity providing such assistance as well as all authorized tuition costs.

If CMHA is unable to obtain third-party written or oral verification of the requested information, CMHA will pursue other forms of acceptable verification with the family and student member..

**K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS**

If a student seeking HCV assistance on their own is enrolled at an institution of higher education and is under the age of 24, is not a veteran, is not married, and does not have a dependent child, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from his or her parents in accordance with HUD regulations (see Chapter 8, Part 2, Section E.2).

If CMHA is required to determine the income eligibility of a student's parents, CMHA will request an income declaration and certification of income from the appropriate parent(s). CMHA will send the request directly to the parents, who will be required to certify to their income. The parents will be required to submit the information directly to CMHA.

CMHA reserves the right to request and review supporting documentation if it questions the declaration or certification. Supporting documentation may include, but is not limited to, Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official documents from a federal, state, or local agency.

**COLUMBUS METROPOLITAN HOUSING AUTHORITY**

**CHAPTER 8. VERIFICATIONS OF INFORMATION**

**PART 4. VERIFYING MANDATORY DEDUCTIONS**

**A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS**

The dependent and elderly/disabled family deductions require that CMHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions.

**Parts 1 and 2 of this Chapter 8 govern the verification requirements**

**Dependent Deduction**

CMHA must verify that any person under the age of 18 or any person age 18 or older for whom the dependent deduction is claimed is either a person with a disability or a full time student.

**Elderly/Disabled Family Deduction**

CMHA must verify that the head, spouse, or co-head is 62 years of age or older or a person with disabilities.

**B. MEDICAL EXPENSE DEDUCTION**

The amount of the deduction will be calculated as described in Chapter 7 – Part 2. Parts 1 and 2 of this Chapter 8 govern the verification requirements

**1. Eligible Household**

The medical expense deduction is permitted only for households in which the head, spouse, or co-head is at least 62, or a person with disabilities. CMHA must verify that the family meets the definition of an elderly or disabled family.

**2. Qualifying Expenses**

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses as described in Chapter 7 – Part 3, and they must not be reimbursed by another source. The family will be required to certify that the medical expenses were not paid for or reimbursed to the family from any source.

**3. Expenses Incurred in Past Years**

When anticipated costs are related to on-going payment of medical bills incurred in past years, CMHA will require verification of::

- The anticipated repayment schedule;
- The amounts paid in the past; and,
- Whether the amounts to be repaid have been deducted from the family's annual income in past years.

#### **4. Verification of Medical Expenses**

CMHA will provide a third-party verification form directly to the medical provider requesting the needed information.

Medical expenses will be verified through:

- Third-party verification form signed by the provider, when possible.
- If third-party verification is not possible, copies of cancelled checks used to make medical expense payments and/or printouts or receipts from the source may be used. In this case CMHA will make a best effort to determine what expenses from the past 12 months are likely to continue to occur in the future. CMHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

### **C. DISABILITY ASSISTANCE EXPENSES**

Policies related to disability assistance expenses are found in Chapter 7 - Part 2 - Section E. The amount of the deduction will be verified following the standard verification procedures described in Parts 1 and 2 of this Chapter.

#### **1. Amount of Expense**

**Attendant Care:** CMHA will accept a letter from the care provider and/or provide a third-party verification form directly to the care provider. If third-party verification is not possible, copies of cancelled checks used to make attendant care payments and/or receipts from the care source must be provided.

**Auxiliary Apparatus:** CMHA will accept a letter received from the provider of the auxiliary apparatus or other third party verification of the actual or anticipated purchase or rental costs of auxiliary apparatus. If third-party verification is not possible, a billing statement, or other evidence of purchase costs or of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months must be provided.

In either case – Attendant Care or Auxiliary Apparatus - if third-party or document review is not possible, the family must provide a written certification of estimated apparatus costs for the upcoming 12 months. The family must be prepared to document the actual costs at the time of the next annual recertification.

## **2. Family Member(s) Permitted to Work**

CMHA must also verify that the expenses claimed actually enable a family member, or members (including the person with disabilities) to work.

CMHA will seek third-party verification from a Rehabilitation Agency or licensed medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work

## **D. CHILD CARE EXPENSES**

The amount of the deduction will be verified using the standard verification procedures described in Part 1 of this Chapter. In addition, CMHA must verify that:

- The child is eligible for care.
- The costs claimed are not reimbursed.
- The costs enable a family member to pursue an eligible activity.
- The costs are for an allowable type of child care.
- The costs are reasonable based upon prevailing local childcare rates.

### **1. Eligible Child**

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13.

Note—Child care expenses for a disabled child regardless of age are considered a disability expense.

### **2. Unreimbursed Expense**

To be eligible for the child care deduction, the costs must not be reimbursed by another source. The family will be required to certify that the child care expenses claimed are not paid by or reimbursed to the family from any source.

### **3. Pursuing an Eligible Activity**

CMHA must verify that the family member(s) identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities. CMHA will request and analyze information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation (see Title XX rules regarding allowable hours for transportation and study), the time required for class attendance and study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family

member is enabled to pursue an eligible activity.

**Seeking Work:**

Whenever possible, CMHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases CMHA will request verification from the agency of the family member's job seeking efforts to date and require the family to submit to CMHA any reports provided to the other agency.

**Furthering Education:**

CMHA will obtain the class schedule or similar documentation from academic or vocational educational institution to document that the person is enrolled.

**Gainful Employment:**

CMHA will seek verification from the employer of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified.

**4. Allowable Type of Child Care**

CMHA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., CMHA will prorate costs if some of the care is provided for ineligible family members).

**5. Reasonableness of Expenses**

Only reasonable child care costs can be deducted. The actual costs the family incurs will be compared with CMHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family requests costs that exceed typical costs in the area, CMHA will request documentation, to support a determination that the higher cost is appropriate.



# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 9. BRIEFINGS, VOUCHER ISSUANCE AND PORTABILITY

### A. BRIEFINGS

#### 1. Purpose of the Briefing

- a. Explain the Voucher Program
- b. Review the information packet
- c. Review family obligations under the Program

#### 2. Briefing Attendance Requirement

All families will be notified and required to attend a briefing class before they are issued a Voucher. No Voucher will be issued unless the household head has attended a briefing class.

A family who provides prior notice of their inability to attend a briefing class will be scheduled for the next briefing class. Only one rescheduled class is permitted.

Failure of a family to participate in a scheduled briefing class may result in withdrawal of their application. The family will be notified of their withdrawal from the wait list and of their right to an informal review. A family who is withdrawn from the wait list for failure to attend the briefing class must wait six months from their withdrawal date before they can reapply for Housing Choice Voucher assistance (if the wait list is open).

#### 3. Format of the Briefing

A Housing Choice Voucher staff member will brief Voucher families in a group environment. During the briefing, families will have the opportunity to inquire about their Total Family Payment or Housing Voucher Payment calculation and how utility allowances are calculated. Families will be requested to sign relevant documents including their Voucher prior to or after the briefing.

The family will be given a briefing information packet and an oral briefing on the following subjects:

- A description of how the Voucher Program works;
- Family and owner responsibilities;
- Where the family may lease a unit - outside or inside of CMHA's jurisdiction (portability);
- Explanation on portability policies and procedures;
- Explanation of the advantages of moving to an area that does not have a high concentration of low income families;

- Briefing packet items such as utility allowances, instructions, certifications, and forms;
- Housing Quality Standards;
- How to locate and select a unit;
- Tenant screening policies; and,
- Other items included in the briefing packet.

#### **4. Household Obligations under the Housing Choice Voucher Program**

Under the Housing Choice Voucher Program, the relationship between family and landlord are the same as in the private housing market. The lease with the landlord governs this relationship.

After receiving a Housing Choice Voucher, the family has the following obligations:

- Finding a rental unit that meets the minimum housing quality standards (HQS) for size of the unit;
- Submitting the Request For Tenancy Approval Form to CMHA within the Voucher period for CMHA approval;
- Keeping appointments set by CMHA for determination of continued eligibility and for unit compliance with HQS;
- Notifying CMHA in within the time frames defined in Chapter XV of this Administrative Plan, of changes in household composition and income;
- Notifying their owner and CMHA prior to moving from their unit; and,
- Complying with other obligations of the family as listed on the family's Voucher.

#### **5. Owner Referrals of Housing**

Based upon information received from owners, CMHA maintains a list of available units. This list will be provided to Voucher holders at their briefing sessions. This list is updated monthly and is available to the public.

#### **6. CMHA Policy on Furnishing Information to Prospective Landlords**

Upon a prospective landlord's written request, CMHA will furnish the family's current address and the name and address of the family's current and previous landlord if the information is available from CMHA's records. No other information will be furnished without the written consent of the family.

#### **7. Security Deposit Requirements**

CMHA will allow a prospective owner to collect a security deposit of not more than one month's CMHA-approved contract rent from the family. When the family moves from

the unit, the owner, subject to local and state law, may use the security deposit for unpaid rent, unit damages, or other amounts the family owes under the lease

## **B. VOUCHER ISSUANCE**

At the briefing session, each family will be issued a Housing Choice Voucher Form that specifies the rights and responsibilities of family.

### **1. Expiration Dates**

The Voucher is valid for a period of 90 days from the date of issuance. The family must submit a Request for Tenancy Approval and Lease within the 90-day period unless CMHA has granted an extension. If there are problems in locating a suitable unit, the family should contact CMHA to inquire about assistance from CMHA.

### **2. Extensions**

Under limited circumstances, a family may request a one-time 30-day extension of the Voucher issuance period. The maximum time period for a Voucher cannot exceed 120 days. Requests for extensions must be received prior to the expiration date of the Voucher or, if the expiration date falls on a weekend or holiday, on the following workday.

Extensions are permissible at the sole discretion of CMHA. Examples of acceptable reasons follow:

- Hospitalization or a family emergency for an extended period of time that has hampered the family's ability to find a unit within the initial 90-day period. Verification is required.
- Demonstration of a good faith effort to locate a unit throughout the initial 90-day period.
- Submission of Request for Tenancy Approval within the 90-day period, but the unit either fails to pass the HQS inspection or the CMHA inspection is not timely.
- **A family member is disabled and** requests a reasonable accommodation (**see Chapter 2, Objective VII**) that delays the search for a suitable unit. The 120-day limit does not apply to disabled families, but the unit searching time must be a continuous period of time from the initial issuance date. However, the search period may be ended at CMHA's discretion. If an extension is granted beyond the 120 period, income must be re-certified.

## **C. PORTABILITY OF VOUCHERS**

### **1. General Policies**

A family issued a Voucher may lease a unit anywhere in the jurisdiction of CMHA (Franklin County) or outside the CMHA jurisdiction. CMHA will cooperate with Public Housing Authorities in other jurisdictions (“receiving housing authority”) in accommodating portability from or to CMHA.

### **2. “Portability” Eligibility**

#### **a. Porting Out to Another Jurisdiction**

A family must meet CMHA and HUD eligibility requirements as described in this Administrative Plan to receive a Voucher from CMHA. If family desires to take advantage of the portability regulations before leasing a unit in CMHA’s jurisdiction and transfer their Voucher to another jurisdiction, the family must meet the eligibility requirements and guidelines of the “receiving housing authority.”

After leasing a unit in CMHA’s jurisdiction, the Voucher may not be ported out for 12 months (the initial lease period) without consent of the landlord and CMHA.

#### **b. Porting in to CMHA’s Jurisdiction**

Families that have received a Voucher in another jurisdiction that desire to lease a unit in CMHA’s jurisdiction must meet CMHA’s admission requirements as described in this Administrative Plan.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 10. LOCATING AND SECURING APPROVAL OF SUITABLE HOUSING**

#### **A. RESPONSIBILITY FOR LOCATING HOUSING**

When a Voucher has been issued to the family, it is the family's responsibility to locate suitable housing. Suitable housing must meet at least the following tests:

1. The unit must be able to meet Housing Quality Standards.
2. The minimum number of bedrooms must be appropriate for the family size (see Chapter 6).

CMHA will maintain updated referral lists of owners who have called CMHA to list their available units. The list will be provided to families at their Voucher briefing. Housing referrals lists are also available in CMHA offices.

#### **B. ELIGIBLE TYPES OF HOUSING**

The following types of housing may be utilized in the Voucher program:

- All structure types - including but not limited to single family homes; duplexes; multifamily garden apartments, town houses and walk-ups; and high rises.
- Manufactured homes where the family leases the mobile home and the pad.
- Manufactured homes where the family owns the mobile home and leases the pad.
- Independent Group Residences.
- Congregate Housing.

#### **C. REQUEST FOR TENANCY APPROVAL AND OWNER LEASE**

The Request for Tenancy Approval and the Owner's lease must be submitted prior to the expiration of the Housing Voucher unless the Voucher has been extended by CMHA.

The Request for Tenancy Approval Form must be signed and submitted to CMHA by both the owner and the Voucher family along with an unsigned copy of the lease that the owner will be using for the unit. No more than one Request for Tenancy Approval may be submitted unless the unit is rejected by CMHA or withdrawn by the owner or family.

CMHA will approve the lease and the Request for Tenancy Approval Form if the lease conforms

to HUD and CMHA requirements and if both parties properly execute the Request for Tenancy Approval Form. CMHA reserves the right to reject the Request for Tenancy Approval if the gross rent (proposed contract rent plus family paid utilities) is not supported by a comparable rent analysis.

#### **D. RENT BURDEN AND VOUCHER AFFORDABILITY**

CMHA will not approve a unit for a Voucher HAP Contract if a family's rent burden exceeds 40 percent. Rent burden is defined as the amount that a family must pay toward rent and utilities expressed as a percentage of the family's adjusted monthly income as calculated by CMHA. The rent burden limit determination will be made at the time the Request for Tenancy Approval is submitted.

#### **E. CMHA APPROVAL OF OWNER**

CMHA will not approve an owner's unit if HUD has informed CMHA that the owner is debarred, suspended, or subject to limited denial of participation. HUD may also direct CMHA to deny an owner to participate for violations of fair housing or other federal equal opportunity requirements.

CMHA may also deny approval to lease a unit from an owner if the owner has:

- Violated owner obligations under a Housing Assistance Payment Contract.
- Failed to refund a security deposit after the unit has been vacated.
- Charged more rent to Housing Choice Voucher families than non-Housing Choice Voucher families.
- Made false certifications or provided false information to CMHA for the purpose of economic gain (fraud).
- Engaged in illegal landlord actions prohibited by the HUD regulations and/or the Ohio Revised Code.
- Compensated CMHA employees in exchange for referring prospective tenants.
- Induced CMHA employees to not enforce HQS regulations and/or to grant excessive HAP contract rent determinations.
- Demanded and/or accepted illegal payments from Housing Choice Voucher families.
- Made side agreements with a family for extra rent without the knowledge and consent of CMHA.

- Failed to attempt to evict families who have been arrested for illegal drug use, possession, and/or selling after being notified of a drug raid by local law enforcement authorities.
- Failed to notify CMHA within 30 days of vacated Voucher assisted units.
- Failed to provide eviction notices to CMHA within 10 days of the eviction .
- Permitted the family to have unauthorized boarders or lodgers.
- Allowed a HCV tenant to sub-lease a Voucher assisted unit.
- Committed fraud, bribery, or other criminal acts on a mortgage loan application.
- Been convicted of the sale or distribution of illegal drugs.
- Failed to pay delinquent state taxes or local real estate taxes or fines.
- Been convicted of local housing code violations.
- Been in **non-compliance with HQS** for Voucher assisted units.

## **F. SUSPENSIONS FOR NON-COMPLIANCE**

For purposes of this Section, “owner” includes any person or entity that enters into a HAP contract and is assigned a vendor account number by CMHA. If an owner’s participation is suspended, that suspension may, at CMHA’s discretion, apply to all entities participating in the Voucher program in which that owner holds any direct or indirect interest.

### **1. Non-Compliance with HQS**

Non-Compliance with Housing Quality Standards is defined as:

- Six or more rent abatements in the preceding 12 months;
- Four or more HAP contract cancellations due to HQS non-compliance in the preceding 12 months.
- Four (4) or more units were submitted for initial (move-in) HQS inspections in the preceding 12 months that had more than 6 HQS violations (including any utility not operating at the time of the initial inspection) and were not ready for immediate occupancy; or
- The owner is currently cited by local code enforcement authorities for serious rental property code violations, and these violations have not been corrected. Serious code

violations are building code violations that pose an immediate threat to the safety and health of the legal occupant as determined by CMHA.

If any of the above instances of **non-compliance with HQS** occurs, CMHA may suspend an owner's future participation in the Housing Choice Voucher Program for a period of 12 months from the date of notification to the owner. Suspension of participation means that CMHA will not enter into new HAP Contracts with the owner for a period of twelve months. Reinstatement of the owner's participation will depend on CMHA's evaluation of the owner's efforts to comply with CMHA, HUD, state, and local laws and regulations. If CMHA determines that the owner has not made a good faith effort, the suspension may continue for additional 12-month periods until the owner demonstrates to CMHA's satisfaction that sustained progress has been made in achieving compliance..

Existing HAP Contracts are not affected by the above policies as long as the units continue to meet HQS requirements. HQS violations in these units will be handled on a case-by-case basis. CMHA reserves the right to deny owners future participation in the Voucher Program if there is a repeated pattern of non-compliance with HQS in units currently under HAP Contract..

## **2. Other Program Violations**

Owners may also be suspended from or denied participation in the Voucher Program for repeated instances of the Program violations listed in Section E immediately above.

## **3. Permanent Suspensions**

CMHA may permanently deny an owner from future participation in the Voucher Program if it is determined to be in the best interest of CMHA.

## **4. Notification and Appeals**

Written notification will be given to owners of any actions initiated under this Chapter including the appeal procedure (see Chapter 19 for information on owner appeals).



## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 11. INSPECTION POLICIES AND HOUSING QUALITY STANDARDS**

#### **A. GENERAL PURPOSE**

CMHA is required by HUD regulations to inspect units to ensure they comply and remain in compliance with Housing Quality Standards. Unless these Standards are met, HCV rental assistance cannot be provided.

CMHA conducts four types of inspections:

- Initial (move-in)
- Annual
- Complaint (Damages/Emergencies)
- Quality Control

#### **B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS**

CMHA adheres to the acceptability criteria in the Housing Choice Voucher Program regulations and the HUD Inspection Booklet with the following exceptions:

- Units with windows that are designed to be opened must all have screens unless the unit is located in a building that has total HVAC system and does not have windows that can be opened for fresh air.
- Owners are required to remove and/or repair or cover defective paint surfaces prior to entering into a HAP contract. For exterior work, an extension may be granted as a severe weather-related item.

Please note that correction of defective paint surfaces in units built prior to 1978 are governed by the Lead-Based Poisoning Prevention Act of 1992. These requirements apply to dwelling units that are occupied or can be occupied by families with children under six years of age. Inspections and corrective actions in these cases will be conducted in compliance with the 1992 Act and HUD regulations. (See Appendix 11-1 Lead Based Paint)

Major surfaces for non-lead based units are defined as follows:

- Interior: More than two square feet on any wall surface.
- Exterior: More than 20 square feet on any wall surface.
- Interior or exterior building components (window sills, soffit, fascia, trim, etc.) with more than 10 percent damage.

- For defective paint surfaces that must be remedied by repainting, only solid (opaque) color paints and solid color stains that are designed to cover the defective surface are acceptable. Clear stains and sealers that do not thoroughly cover the defective paint surface are not acceptable. Clear coatings that are worn off and must be repaired, such as varnish on a hardwood floor, must be covered with products that are similar to the original coating.
- Adequate interior heat shall be considered to be 68 ° F.
- CMHA may declare that unsanitary conditions exist in a unit where exposed food, garbage, and excrement present a health hazard to occupants.
- Suitable covered containers for the temporary storage of refuse/waste/garbage are required. Plastic trash bags will not be considered as adequate covered containers.
- In units where the family must pay for utilities, each unit must have separate metering devices for measuring consumption.

Repair or replacement of structure elements such as exterior painting and concrete repairs will be given an extended deadline if weather inhibits adequate repair or replacement. If the unit does not pass inspection by the extended deadline, CMHA may abate rent and cancel the HAP Contract for owner noncompliance.

At CMHA's sole discretion, extensions of up to 60 days may be granted to permit a landlord to complete repairs if the landlord has made a good faith effort to initiate repairs and the delay is beyond the owner's control. If repairs are not completed by the extension date, CMHA may abate rent and cancel the HAP contract for owner noncompliance.

### **C. INSPECTIONS AND REINSPECTIONS – VERIFYING CORRECTIVE ACTIONS**

CMHA has adopted new policies and procedures enabling acceptance of certifications from landlords and/or tenants that corrective action has been taken on failed inspection items. The goals are:

- 1) To eliminate physical re-inspections for minor failed items to reduce inspector workload without sacrificing housing quality standards.
- 2) To serve clients more efficiently by reducing the number of visits inspectors will need to make to each property, thereby eliminating the inconvenience and any cost involved for a second inspection for both the owner and the tenant.
- 3) To reduce the time needed to verify correction of HQS deficiencies and to take subsequent actions.

**Falsifying information on this certification may be grounds for HAP contract cancelation and/or tenant program termination. The certification format follows:**

# Housing Quality Standards Owner/Tenant Certification of Repairs

Date of Inspection \_\_\_\_\_

Tenant Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Owner Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Dear **(Owner/Tenant Name)**:

On \_\_\_\_\_, an **annual** Housing Quality Standard (HQS) inspection was conducted on the unit specified above. Unfortunately, the unit **failed** the inspection. The violation(s) cited during the inspection are listed below.

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

In place of a second physical inspection, Columbus Metropolitan Housing Authority (CMHA) **requires** that eligible owners and the family Head of Household (HOH) self-certify the repair/s have been completed.

This form must be signed by both the owner and HOH and returned within 28 days of the inspection. It is the owner's responsibility to complete this form, to obtain the client's signature, and return the completed form to CMHA within the required timeframe. **This certification must be post marked or received by CMHA before the close of business on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_.**

Please return the form to: Inspections Department  
Certification of HQS Repairs  
880 East 11<sup>th</sup> Ave  
Columbus, OH 43211

or Fax response to: 614-XXX-XXXX  
or scan and email response to:  
inspections@CMHANET.com

**If this certification is not post marked and/or received by CMHA within the required time frame the unit will go into abatement and be scheduled for termination.**

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I certify that the above repairs are complete and the cited HQS deficiencies have been corrected. I understand that any falsification of information is grounds for HAP contract cancellation and client program termination. I also further understand that making false statements, committing fraud, misrepresentation or providing false information is punishable under state and federal law. CMHA reserves the right to conduct a special follow up or quality control inspection to ensure all (HQS) have been corrected at anytime.

\_\_\_\_\_  
**Owner Printed Name**

\_\_\_\_\_  
**Head of Household Printed Name**

\_\_\_\_\_  
**Owner Signature**

\_\_\_\_\_  
**Head of Household Signature**

\_\_\_\_\_  
**Owner Telephone Number**

\_\_\_\_\_  
**Head of Household Telephone Number**

The certification policy for each type of inspection follows:

**a. Initial Inspections**

All units for all HCV programs must be inspected prior to occupancy for compliance with HQS. HUD regulations require CMHA to make physical reinspections to verify that all HQS deficiencies have been corrected prior to entering into a HAP contract with the landlord. Certifications cannot be accepted.

**b. Annual Inspections**

All units must be inspected on an annual basis for continued compliance with HQS. As permitted by HUD regulations, CMHA has the option to accept landlord certifications that HQS violations have been corrected and does not need to make physical reinspections unless warranted in CMHA's judgment. CMHA's policies on landlord certifications are described in Section D below.

For the Shelter Plus Care Program, CMHA will make physical reinspections to verify correction of HQS violations. This requirement can be waived at CMHA's sole discretion.

**c. Complaint Inspections (Damages/Emergencies)**

CMHA will determine on a case-by-case basis whether or not a physical inspection is necessary and whether or not a physical reinspection is necessary. The landlord and tenant will be notified accordingly. If a health and safety HQS violation considered to be of an emergency nature (see Section G below) is discovered during any inspection, a physical reinspection must be conducted to verify that corrective action has been taken. Acceptance of landlord/tenant certifications of corrective actions with respect to non-emergency complaints are at CMHA's discretion.

**d. Quality Control Inspections**

CMHA is required to make a reasonable number of Quality Control inspections to ascertain that inspectors are making accurate determinations of HQS deficiencies and the corrective actions required. If new HQS violations are discovered, CMHA has the discretion to determine whether or not a landlord/tenant certification of corrective action will be accepted. These inspections may be conducted at any time.

**D. LANDLORD/TENANT CERTIFICATION GUIDELINES**

(The Guidelines are presented in a Question and Answer format.)

**1. What owners/landlords are eligible to participate in the Certification procedure?**

Owners and landlords who have distinguished themselves as being responsible and responsive in complying with Housing Quality Standards (HQS) are permitted to

self-certify the repair of minor HQS failed items on annual inspections (or other inspections at CMHA's discretion) as outlined in this policy. CMHA has the discretion to end participation in the certification procedure at anytime.

- a. Any owner currently under suspension will not be able to certify.
- b. If CMHA determines that a false certification of repairs was made by an owner and/or tenant, participation in the certification procedure may be suspended. Under egregious circumstances, CMHA may prohibit said owner/tenant from further participation in the HCV program.

**2. What failed results on an annual or other qualifying inspection would be eligible for a certification instead of a physical reinspection?**

- a) Any inspection with 3 or less failed items that are not considered an emergency are eligible for a certification instead of a second inspection at the discretion of the inspector. If the failed inspection has 4 or more failed items a second physical inspection must be conducted regardless of the nature of and responsibility for correcting each failed item.
- b) Paint Defect Policy
  - 1) Lead-Based Paint Units - Any unit built prior to 1978 that received a failed inspection from peeling paint will require a physical re-inspection.
  - 2) Non-Lead-Based Paint Units - All units built after 1978 are eligible for certification of corrective actions if they meet the other program requirements.

**3. Who must sign the certification?**

The certification must be signed by both the tenant and landlord. The tenant signature may be waived at CMHA's discretion.

**4. Is participation in the certification program optional?**

No - If the failed inspection is certification eligible, a certification is required in lieu of a second inspection.

**5. Under what circumstances would abatement be initiated?**

Rent abatement procedures will be initiated if the certification is not received or post marked by the date specified in the Failed Inspection letter. If the unit goes into abatement, the rent will be abated as of the due date of the certification. When abatement is proposed, the normal procedures for a failed re-inspection will occur as described in Sections H, I and J immediately below.

## **E. SCHEDULING AND CONDUCTING INSPECTIONS**

### **1. Initial/Move-in Inspections**

CMHA will schedule the initial inspection of the unit as soon as possible (but no later than ten calendar days) after receipt of a Request for Tenancy Approval Form and Lease. The unit must be ready for inspection at the time RTA is received by CMHA. The owner will be notified of the inspection results and given a deadline to correct the items noted as “Fail.”

CMHA reserves the right to refuse to conduct the inspection if CMHA determines that the unit is not ready for inspection.

The owner will only be allowed one re-inspection of the HQS violations initially cited. Any additional inspections are at CMHA’s sole discretion, but a physical reinspection is required to determine if violations have been corrected.

When CMHA accepts a family’s Request for Tenancy Approval, the “clock” for 90-day calendar period allowed for the family to find suitable housing stops during the inspection process. If the unit fails to meet HQS requirements, the “clock” restarts when CMHA rejects the unit and reissues the Voucher to the family to search for and submit another unit for inspection.

### **2. Annual Inspections, Complaint Inspections and Quality Control Inspections**

CMHA is required to inspect all units at least biennially (every two years) to verify that Housing Quality Standards are being maintained according to HUD regulations (CFR—982.401). CMHA will schedule each annual inspection within 730 days of the date when the last full inspection was initiated. CMHA will determine the frequency each unit is inspected. Notification will be sent out to both the tenant and the owner prior to the scheduled inspection date.

It is the responsibility of the tenant to be present for all annual inspections and any resulting re-inspections. The tenant may elect to have another representative such as the owner be present for the inspection. CMHA will not conduct any form of inspection if there is not at least one adult present.

In the event there is no one home at the time the inspector arrives for the inspection the inspection will be rescheduled. Each annual inspection may only be rescheduled one time. After two missed inspections the tenant will be subject to program termination.

Failure to comply with HQS violation notices issued from annual inspections will result in abatement of payment to owners and/or termination of program assistance for tenants.

CMHA must investigate complaints about HQS matters that are registered by tenants, owners, or the general public. Violations resulting from complaint inspections are treated in the same manner as annual inspection violations. Failure to comply with violation notices issued from complaint inspections will result in abatement of payment to owners and/or termination of program assistance for tenants.

CMHA also has the right to complete a full inspection on any unit that is currently participating in the Housing Choice Voucher Program or the Shelter Plus Care Program at anytime.

CMHA must reinspect a sample of units under contract during each fiscal year for Quality Control assurance. Quality Control inspections will be conducted at random. All tenants and owners are required to comply with the request for a Quality Control inspection. Failure to comply or be present for said inspection will lead to abatement and/or program termination for tenants.

#### **F. DEADLINE FOR CORRECTING HQS FAIL ITEMS FOR UNITS UNDER HAP CONTRACT**

The owner or family will be given time to correct the failed items cited on the inspection report for a unit under contract. If the item endangers the family's health or safety (see Section G below), the owner or family will be given 24 hours to correct the violations. For less serious failures, the owner or family may be given up to 30 days to correct the item(s). Repair deadlines are at CMHA's sole discretion. Where appropriate, the owner and/or family will be allowed to certify that corrective actions have been taken in lieu of a physical re-inspection (see Section D above).

#### **G. EMERGENCY FAIL ITEMS**

At a minimum, the following items are to be considered of an emergency nature and are to be corrected by the owner or family within 24 hours of notice by the Inspector (other items may be declared at the discretion of the inspector):

- Broken lock on first floor windows or any exterior door.
- Electrical outlet that is smoking or sparking.
- Entire window missing (security and weather concerns).
- Natural gas/propane leaks from stove.
- Major plumbing leak(s).
- Natural gas leak or fumes.
- Electrical situation which could result in shock or fire.
- No heat (outside temperature is below 60 degrees Fahrenheit).
- No water.

- No electricity.
- Presence of raw sewage.
- Inoperative smoke detector.

CMHA may give a short extension (not more than 48 additional hours) where the owner or family cannot be notified or it is impossible to repair the cited item(s) within the 24-hour period.

If emergency items that are the owner's responsibility are not corrected within the initial or extended period, the HAP Contract will be canceled immediately by notice to the owner.

If emergency items are the family's responsibility to correct and are not corrected within the initial or extended period, CMHA will terminate the HAP Contract immediately by sending written notice to the family and owner.

## **H. RENT ABATEMENT POLICIES**

When it has been determined that a unit on the program fails to meet non-emergency Housing Quality Standards and the owner or tenant has been given an opportunity to correct the problem(s) and does not do so within the time frame (up to 30 days) established by CMHA, procedures for rent abatement for the landlord or program termination for the tenant shall be initiated. The owner will not be abated for family caused HQS violations.

The proposed compliance period shall be 10 days. If the correction is not made, the **abatement or program termination process will continue as described below in Sections I and J.**

CMHA will inspect abated units within 5 days of the owner's contact with CMHA provided the compliance has occurred within the 10-day period referenced above. The abatement will end the first calendar day following the owner's notice to CMHA **if** the unit passes inspection.

## **I. HAP CONTRACT TERMINATION FOR OWNER CAUSED NON-EMERGENCY HQS VIOLATIONS**

If the owner fails to correct all the items within the initial 10-day abatement period, CMHA will send a minimum 30-day HAP contract termination notice to the owner and family. During this period (ending the last day of the month following the month the notice is issued), the landlord abatement will remain in effect, and the tenant must continue to pay the tenant portion of the rent.

Immediately after the HAP termination notice is sent, the tenant will be scheduled for an interview and issued a Voucher for the purpose of seeking a unit that meets HQS standards. The Voucher will be valid for a 90-day calendar period. An extension may be granted for a disabled person at CMHA's discretion. Further, the tenant will be advised that if they remain in the non-



compliant unit after the proposed termination date, they will be responsible for the entire rent to the landlord.

If the landlord takes corrective action within this 30-day notice period, a followup inspection may be requested by the landlord with the tenant's concurrence. However, only one additional Housing Quality Standards inspection will be conducted to verify if repairs have been completed. If the unit passes, the HAP contract can be reinstated if the tenant agrees to stay in the unit.

#### **J. VOUCHER TERMINATION FOR FAMILY CAUSED NON-EMERGENCY HQS VIOLATIONS**

If the family fails to make the required repairs by CMHA's deadline, CMHA will send a proposed notice of Voucher termination to the family and owner. The proposed termination notice will offer the family an opportunity to request an informal hearing with CMHA.

If Voucher termination is proposed, the owner will continue to receive a HAP contract payment until the effective Voucher termination date. If the family is granted an informal hearing, the owner will continue to receive a housing Payment until otherwise notified in writing by CMHA

If the family fails to request an informal hearing with CMHA within the designated deadline or if the informal hearing does not resolve the non-compliance issue, CMHA will send a final notice of Voucher termination to the family and owner. The effective date will be the last day of the month following the month the notice is issued.

During this notice period, if the tenant (or landlord at the landlord's option) takes action to correct the HQS violations, a one-time reinspection may be requested with the consent of the landlord. If the unit passes, the tenant may retain their Voucher and remain in the unit if the landlord agrees. The landlord is entitled to recover costs for repairs of tenant caused damages from the tenant's rent deposit.

If the tenant remains in the unit after the Voucher termination date, the tenant will be responsible for the entire rent to the landlord.

#### **K. RESPONSIBILITY OF THE FAMILY AND LANDLORD TO COOPERATE IN SCHEDULING AND CONDUCTING INSPECTIONS**

CMHA must be allowed to inspect the unit during normal business hours with reasonable notice. At a minimum the landlord or a representative must be present at the initial move-in inspection; the family may be present if the landlord consents. The landlord and the family will be notified of the inspection appointment by mail.

At subsequent inspections, either an adult family member or the landlord or a representative must be present. The landlord and the family will be notified of the inspection appointment by mail. If the family is not able to be at home, the family must call to reschedule the inspection or

make arrangements to have an adult family representative or the landlord present. CMHA will not conduct inspections when there is no adult present in the unit.

If the family misses the inspection appointment and does not arrange for the representative or the landlord to be there, one final inspection appointment will be scheduled. The landlord and the tenant will both be notified of this final inspection so that either or both may choose to be present and try to avoid possible termination of program assistance or the HAP contract.

If the family misses two inspection appointments, CMHA will consider the family to have violated a family obligation and their assistance is subject to termination. Termination procedures are described in Chapters 16 and 17.

## **APPENDIX 11-1**

### **LEAD-BASED PAINT**

The Lead-Based Paint Poisoning Prevention Act as amended (42 USC 4821-4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations at 24 CFR Part 35 Subparts A, B, M and R apply to the Housing Choice Program. These requirements apply to units built prior to 1978 that are occupied or will be occupied by families with children under six years of age.

#### **1. Lead-Based Paint Hazard Notification**

Before requesting a unit inspection and execution of a lease for pre-1978 units that will be occupied by a family with children under 6 years of age, the owner or owner's agent must disclose any knowledge of lead-based paint or lead-based paint hazards and provide the family and CMHA with a copy of the Disclosure of Information of LB Paint and/or LB Paint Hazards Form CMHA provides to prospective tenants. This will assist all parties in identifying and assessing existing and potential LBP hazards during the unit inspection.

#### **2. CMHA Inspections**

During initial and annual inspections of pre-1978 units that are or will be occupied by families with children under 6 years of age, the CMHA inspector will conduct a visual assessment for deteriorated painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit, common areas of the building through which residents must pass to gain access to the unit garages and fences on the assisted property. This also includes any areas frequented by resident children under six years of age, such as play areas and child care facilities.

#### **3. Corrective Actions**

If lead-based paint hazards are identified, landlords are responsible for undertaking all remedial actions in conformance with approved practices for the stabilization, removal, clearance, application of protective coatings, etc. of lead-based paint surfaces. In the case of occupied units, this includes protecting the occupants and their belongings from contamination. All corrective actions must be completed within 30 days of notification to the landlord. With the notification of unacceptable LBP conditions, CMHA will include a Compliance Certification Form that must be signed and returned to CMHA when the corrective action is completed – landlords should review this Form carefully before undertaking corrective actions to be certain of compliance with the certification requirements. Failure to correct LB Paint HQS violations can result in the termination of the HAP contract.

#### **4. Acceptability Determinations**

CMHA's lead-based paint determinations as to the acceptability of a unit occupied or to be occupied by a family with children under 6 years of age, either before or after any corrective

action is undertaken by the landlord, are final. Only CMHA, not the family, may make these determinations. CMHA's decisions will be for the essential purpose of protecting children under the age of six from exposure to lead-based paint. If a family is required to move because of unacceptable LB Paint conditions, its HCV will be reissued for the purpose of moving to an acceptable unit.

## **5. Children with Environment Intervention Elevated Lead Blood Levels**

### **a. Notifications of Elevated Blood Lead Levels to CMHA**

When CMHA receives notification from a medical health care provider or public health department of an environmental intervention elevated blood lead level child living in an HCV program unit, CMHA will proceed to have a risk assessment conducted of the unit, common areas and exterior surfaces. The family, owner or outside sources may also provide information to CMHA of an elevated blood lead level child; in these instances, CMHA will immediately verify the information with a medical health provider or public health department and await notification of the condition before proceeding to have a risk assessment conducted.

### **b. Risk Assessments**

Within 15 days of receiving notification from a medical health provider or public health department, CMHA will have a risk assessment of the unit completed. The risk assessment must be conducted by a persons trained and certified by an EPA or state-approved agency. The assessment is an on-site investigation of the severity of the hazards and may include dust and soil sampling and paint testing as well as visual observations. The assessor will issue a report to CMHA on the investigation results, including any options and requirements for mitigation of the LBP hazards. CMHA will forward the report to the owner within 5 days and the owner must furnish the report to the tenants within 15 days of receipt from CMHA

If no hazards are identified in the risk assessment report, CMHA will refer the family to their health care provider and/or the public health agency for further evaluation. No further action will be required on the part of the landlord.

### **c. Consultations**

Given the serious nature of elevated blood lead levels and the need to initiate curative steps at the earliest possible date, CMHA will require a meeting with the landlord and the head of family as soon as possible after the risk assessment report has been issued. Considering the risk of continued LBP exposure (the unit will require annual monitoring to determine if paint surfaces have deteriorated after corrective action has been taken), and the potential liabilities of both CMHA and the landlord if the mitigation measures should prove to be inadequate, CMHA's policy will be to assist the family to relocate at the earliest possible date, but this does not preclude the discussion of other alternatives that acknowledge the responsibilities of and protect the rights of all parties.

#### **d. Corrective Actions**

If lead-based paint hazards are identified, landlords are responsible for undertaking all remedial actions in conformance with approved practices for the stabilization, removal, clearance, application of protective coatings, etc. of lead-based paint surfaces. This includes protecting the occupants and their belongings from contamination. All corrective actions must be completed within 30 days of notification to the landlord.

With the notification of the unacceptable LBP conditions, CMHA will include a Compliance Certification Form that must be signed and returned to CMHA when the corrective action is completed – landlords should review this Form carefully before undertaking corrective actions to be certain of compliance with the certification requirements. Failure to correct LB Paint HQS violations can result in the termination of the HAP contract.

#### **6. Ongoing Maintenance**

The owners of all pre-1978 units participating in the HCV program must:

- Make a visual assessment for deteriorated paint and any failed lead hazard mitigation measures at unit turnover and every 12 months of continued occupancy and take corrective action.
- Provide a written notice to occupants asking for reports of deteriorated paint; the notice must include the name, address and phone number of the responsible person.
- Provide CMHA with a Certificate of Compliance that these requirements are being met before the execution of the lease and at each annual inspection.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 12. LEASE AND HAP CONTRACT EXECUTION**

#### **A. DOCUMENT SUBMISSION REQUIREMENTS**

##### **1. Lease**

The lease used by an Owner must comply with HUD regulations, State, and local laws. It is the Owner's responsibility to ensure lease compliance with state and local law. The HUD Lease Addendum form must be incorporated in all leases. Owners should submit their lease forms to CMHA for review if there are concerns about HCV program compliance.

**All initial lease terms will be for a 12 month period and any automatic renewals will be limited to a maximum of a 1-year renewal term.**

##### **2. Proof Of Ownership**

Absent prior CMHA knowledge, Owners must submit proof of ownership of the property prior to execution of the Lease and HAP contract. If a management agent oversees the property, a copy of the Management Agreement must also be provided. These steps are necessary to assure correct delivery of HAP contract payments.

Proof of Ownership may be in the form of deeds, property tax invoices, property insurance documents or closing statement forms. Land contracts, purchase contracts and subleasing agreements are unacceptable.

##### **3. Tax Identification Numbers And Legal Name**

Owners must provide CMHA with the legal name of the property owner or ownership entity and the related tax identification number. CMHA may refuse to enter into a HAP contract unless the owner provides the correct IRS tax identification number and matching legal ownership name.

##### **4. Family Submissions**

The family is required to submit the a copy of the lease and Request for Tenancy Approval prior to the expiration date of their Voucher.

#### **B. UNIT APPROVAL – HQS INSPECTION AND RENT REASONABLENESS**

1. After appropriate documents are received and reviewed for accuracy and completeness, CMHA will inspect the unit for HQS compliance, make a rent reasonableness determination and notify the family and the landlord if the unit and lease have been approved or rejected. If

approved, the family, landlord and CMHA shall proceed with signing the lease and the HAP contract.

2. If the inspection reveals HQS violations, an opportunity for corrective action will be given to the landlord as described in Chapter 11. If violations cannot be corrected on a timely basis, the family will be reissued their voucher and directed to continue to search for another rental unit.

If the rent reasonable test is not met (see Chapter 14), CMHA shall advise the family and landlord and propose a revised rent. The family and landlord may accept the rent revision proposal or may negotiate an approvable rent and resubmit the lease and Request for Tenancy approval within 10 working days. If requested, CMHA can assist in these negotiations. If the negotiations are unsuccessful, the family will be reissued their voucher and directed to continue to search for another rental unit.

### **C. SEPARATE LANDLORD/TENANT AGREEMENTS**

Owners and families may execute agreements for services, appliances, and other items not normally provided under the lease if the agreement is in writing and approved by CMHA. If there is separate agreement, the family must have the option of not utilizing the service, appliance or other item.

Any appliance, service or other item which is routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or is permanently installed in the unit cannot be put under separate agreement and must be included in the lease. If the owner does not provide a range or refrigerator, CMHA may lower the contract rent.

CMHA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements. If the family and owner have come to an agreement on the amount of charges for specific items, the charges will be approved if they are reasonable and not a substitute for higher rent. Copies of all separate agreements must be provided to CMHA.

### **D. HAP CONTRACT EXECUTION**

If the unit has passed the HQS inspection and the owner has accepted the contract rent, CMHA will prepare the HAP Contract and Lease Addendum. In preparing the documents, CMHA will compute the Total Family Payment, Family Rent, Utility Reimbursement (if any), and the Housing Assistance Payment. If significant changes have occurred since the Voucher was issued, the Total Family Payment will be recalculated in accordance with HUD and CMHA policies. CMHA will then notify the owner to execute the Housing Choice Voucher contract and place copies of the lease, contract, and lease addendum in the family's file.

Generally, families and owners will be required to visit CMHA's offices to execute the required documents. The documents may also be mailed out for signature with the Housing Assistance Manager's approval in hardship cases. All contract documents must be signed by both parties within 60 days of the contract effective date.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 13. OWNER PAYMENTS, UTILITY ALLOWANCES AND ADJUSTMENTS**

#### **A. OWNER PAYMENT IN THE HOUSING VOUCHER PROGRAM**

The Contract Rent is the total rent paid to the owner, including the Housing Assistance Payment (HAP) from CMHA and the Family portion of the rent.

The Contract Rent must be approved by CMHA and is based upon HUD's Fair Market Rents, CMHA's Payment Standards and a rent comparability analysis (See Chapter 14 – Rents and Rent Increases). Fair Market Rents and Payment Standards are reviewed annually and adjusted in accordance with Chapter 14 — Rents and Rent Increases

The Family portion of the rent is determined as described in Chapter 7 – Income and Payment Determination. The Total Tenant Payment is the amount the HUD regulations require the family to pay toward rent and utilities.

The Housing Assistance Payment to the owner is then based upon the Contract Rent approved by CMHA less the Family portion of the rent approved by CMHA.

#### **B. UTILITY ALLOWANCES AND REIMBURSEMENTS**

Utility Allowances are CMHA's estimates of the average monthly utility bills (except telephone and cable services) based upon type of unit. Utility Allowance Schedules are updated annually. Revised allowances are applied to new HAP contracts or adjusted at annual or interim re-certification. Allowances are not based on a family's actual energy consumption.

If all utilities are included in the rent, a family is NOT entitled to a Utility Allowance.

If the family pays for some or all utilities, CMHA will determine the Utility Allowance based upon the Utility Allowance Schedules. Approved Utility Allowance Schedules are given to families when they receive their Voucher, and CMHA calculates the actual allowance based on the lower of the unit size selected or the voucher size issued.

The Utility Allowance Payment is the amount by which the Utility costs for the unit exceeds the Total Tenant Payment.

Where families provide their own range and refrigerator, an allowance is given to enable the family to purchase, maintain, or rent a range or refrigerator even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance based on factors provided by HUD.



### **C. PAYMENT TIMING AND ADJUSTMENTS**

Monthly Housing Assistance Payments to owners and Utility Reimbursements to families begin upon execution of the HAP Contract.

Payment errors due to inaccurate use of utility allowances, incorrect rent calculations, or other mistakes affecting HAP and/or tenant rent discovered while performing client file reviews will be corrected within 30 days unless additional information must be obtained to remedy the problem. Reimbursement of Housing Assistance Payments or Utility Reimbursements will be made by special adjustment and noted in the tenant or owner file.

### **D. ELECTRONIC TRANSFER PAYMENT SYSTEM FOR OWNERS**

CMHA will issue payments to owners and housing assistance agencies by using a secure electronic transfer payment (ETP) system. Payments will be made to an owner's designated bank account or a prepaid reloadable debit card. Enrollment in the system is mandatory. Mandatory use of CMHA's ETP system is an administrative decision not subject to owner appeals.

Owners requested to enroll in CMHA's ETP system must complete the registration process within a reasonable deadline established by CMHA. Failure to enroll in CMHA's ETP system may cause CMHA to withhold all funds until the owner is successfully registered; terminate all existing housing assistance payment contracts; and/or deny the owner future participation in any of CMHA's assisted housing programs.

Use of CMHA's ETP system for owners is subject to the following terms and conditions:

The ETP Authorization Form must be completed prior to initiating enrollment.

A valid email address is required and must be kept current.

A correct taxpayer identification or social security number must be provided.

CMHA is not responsible to provide equipment, Internet access, or computer software.

Payments are subject to the terms of the HAP Contract.

CMHA has the right to withdraw monies from the owner's ETP account for payments made in error or to recover monies that the owner is not entitled to receive under the terms and conditions of the Housing Assistance Payment contract.

The owner is responsible for the security of their password and bank account information.

CMHA is not responsible for the misuse or theft of funds or for the loss or misuse of bank cards. Owners must report the theft of funds or loss or misuse of bank card to CMHA's financial institution partner upon learning of such misuse, loss, or theft.

## **E. ELECTRONIC TRANSFER PAYMENT SYSTEM FOR FAMILIES**

CMHA will issue Utility Reimbursement Payments to families by using a secure electronic transfer payment (ETP) system. Payments will be made via a special purpose reloadable bank debit card.. Use of the ETP system is mandatory. Mandatory use of CMHA's ETP system is a lawful administrative decision not subject to informal appeals.

Families eligible to receive a utility assistance payment must enroll in the ETP system at the time of voucher issuance or at their annual re-examination of income once the ETP system is operational. Families will enroll by completing an authorization agreement to receive payments through the ETP system.

Families required to enroll in CMHA's ETP system must complete the ETP system registration process prior to a reasonable deadline established by CMHA. Failure to enroll in CMHA's ETP system may cause CMHA to withhold all utility assistance payments until the family is successfully registered.

Use of CMHA's ETP system for families is subject to the following terms and conditions:

1. The ETP Authorization Form must be completed prior to initiating enrollment..
2. A valid email address is required and must be kept current.
3. A correct social security number must be furnished.
4. CMHA is not responsible to provide equipment, Internet access, or computer software.
5. Payments are issued under the following conditions:
  - a. The family legally occupies the unit on the first of each month for which the payment was made and has no other residence;
  - b. The family has complied with family obligations regarding their role to maintain the unit in compliance with the housing quality standards; and
  - c. The family is not paying any unauthorized additional rent other than the amount approved by CMHA in the housing assistance contract or as amended.
6. The family is responsible for the security of their password and bank debit card account information
7. CMHA is not responsible for bank fees for the excessive use or abuse of the bank card.
8. CMHA is not responsible for the loss, theft, or illegal use of the bank debit card. The family must report the loss, theft, or illegal use of the bank debit card to CMHA's financial institution partner immediately upon learning of the theft of funds or loss of the card.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **14. RENTS, PAYMENT STANDARDS AND RENT INCREASES**

#### **CMHA must:**

1. Determine that the rent to an owner is a Reasonable Rent in comparison to rent charged for comparable unassisted units in the open market.
2. Determine that the rent does not exceed rent charged by the owner for unassisted units in the same building and/or project.
3. Determine that the rent charged does not exceed HUD's Fair Market Rent (FMR) limitations or the Payment Standard (90 to 110% of FMR) established by CMHA
5. Determine that the rent charged does not exceed the rent allowed in Exception Rent areas (There are no Exception Rent areas in Franklin County at this time).
6. Process contract Rent Increases (if requested by the owner ) or reductions in accordance with the above requirements if required by HUD or CMHA.

#### **A. RENT REASONABLENESS DETERMINATION**

Rent Reasonableness determinations are made:

1. Before units are placed under HAP contract for the first time.
2. If an owner requests a rent increase.
3. If there is a 5 percent decrease in the HUD published Fair Market Rents.
4. If HUD directs CMHA to conduct a rent comparability analysis on a unit or units.
5. If CMHA determines, in its sole discretion, that a review of the rent being charged is warranted.

When comparing Housing Choice Voucher assisted units with open market units, CMHA will consider the location, quality, size, unit type, age, amenities, housing services, maintenance and utilities to be provided by the owner. CMHA maintains and utilizes a database with this information and rental rates on unassisted rental units in the metropolitan area to determine Reasonable Rents for Housing Choice Voucher-assisted units. CMHA inspects the Housing Choice Voucher property and evaluates it based upon its comparability to nearby comparable unassisted units.

In addition to the foregoing indicators, CMHA reserves the right to make further adjustments to an owner's requested rent based upon unusual or extraordinary circumstances including, but not limited to, a high vacancy rate; the absence of comparable data; or other factors which may affect the rent of a Housing Choice Voucher assisted property;. such determinations require the approval of the Vice-President of the Housing Choice Voucher Program.

For the sole purpose of determining rent reasonableness, a room that qualifies as a sleeping area under Housing Quality Standards cannot be considered a bedroom if the room is used as the only means of access to another room that could be used as a sleeping area. In units where a room that was formerly used as a dining room or other living area has or can be converted to a sleeping area, the unit will not be recognized as a larger bedroom size unit unless so designated by the Franklin County Auditor.

For multifamily properties, CMHA may complete its rent reasonableness review by issuing a "blanket determination" approving Housing Choice Voucher contract rents for similar units within the property. A "blanket determination" is made after reviewing the open market rents at the property and those of nearby comparable properties. In units where the family must pay for the utilities, each unit must have separate metering devices for measuring consumption. Otherwise, the owner is responsible for the utility payment; the family's utility allowance will be adjusted appropriately.

(See Chapter 24 for rent determinations in the Project Based Voucher program.)

## **B. FAIR MARKET RENTS AND PAYMENT STANDARDS**

On an annual basis, HUD publishes Fair Market Rent (FMR) schedules for all areas under the jurisdiction of a PHA. The FMR's for CMHA are based on the 40<sup>th</sup> percentile of rents charged for standard rental housing in the Columbus metropolitan area. A PHA is permitted to establish a Payment Standard ranging from 90% to 110% of the FMR, and may set them higher or lower than these limits with HUD approval.

The Gross Rent (contract rent plus family-paid utilities) for any unit may not exceed the Fair Market Rent or Payment Standard applicable for a family's bedroom size when the family submits a unit for approval.

CMHA has elected to use its discretionary authority to establish a Payment Standard at 110% of the Fair Market Rent. This election is reviewed and amended annually at the time HUD publishes new FMR's. In addition to the new HUD FMR's, CMHA will consider the following:

- Assisted Families Rent Burdens
- Availability of vacant units with rents below the Payment Standard
- The size and quality of units being selected by assisted families.
- The time needed by Voucher holders to locate suitable units.
- The number of Vouchers expired without leasing.
- Other program concerns that may arise.

### **C. RENT INCREASE REQUESTS BY OWNER**

An owner may request an increase in rent at any time an increase is allowed under the terms of the lease. Under most circumstances, the first term of the lease is for one year, and the first anniversary date of the lease would be the triggering point for the request. If the lease converts to a month-to-month basis after its first term, a rent increase may be requested only at six month intervals from the conversion date. If a rent request is not approved, owners must wait an additional six months before submitting a new rent increase request. Only one rent increase will be approved in a 12-month period.

Requests for rent increases must be submitted to CMHA 60 days prior to the proposed effective date with a copy to the lessee/family. All rent increases are subject to CMHA approval pursuant to rent reasonableness standards and HUD regulations as described in Section A of this Chapter. Rent increases for mid-month move-ins (e.g. September 15th) will be granted no earlier than a year from the first of the month following move-in (e.g. October 1st.). (Note that a rent increase request may result in a lowered rent if the rent reasonableness test reveals the market no longer supports the current approved rent.)

If an owner desires an additional fee from the lessee for the privilege of converting to a month-to-month lease at the expiration of the first term of the lease, it must be presented to CMHA in the form of a request for a rent increase. This request will be treated in the same manner as any other rent increase request and considered under the rent reasonableness provisions of this Chapter.

If responsibility for payment of utilities changes between the owner and tenant, a new request for tenancy approval and lease must be submitted to CMHA. A new rent determination will be made based upon the updated utility information. This will not increase the rent, but will change the amount of the HAP payment to the owner.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 15. INTERIM REEXAMINATIONS OF INCOME AND RENT**

#### **A. Basic Policy**

At the time of the Initial Examination of income, all subsequent Annual Reexaminations and any optional or mandatory Interim Reexaminations, CMHA will make a new or updated determination of the family portion of rent. The family's portion of rent as determined at the Initial Examination or subsequent Reexamination will usually remain in effect until the time of the next Annual Reexamination unless changes occur. Requirements for reporting changes in income are described below.

CMHA wishes to encourage families to improve their economic circumstances, so most increases in family income will not result in an immediate rent increase. Any increases in rent (except those due to misrepresentation or fraud) will become effective the first day of the month after a 30-day advanced written notice to the family and the landlord.

Families may request an Interim Reexamination to ask for a rent reduction after the occurrence of the decrease in income or other change in circumstances. Income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent. With the exceptions described below (Section G), increases in income beginning between Annual Reexamination appointments do not need to be reported.

#### **B. Family Responsibility to Request Interim Reexamination**

It is the family's responsibility to report income changes and to request rent reductions in writing. An Interim Reexamination Request Form can be obtained at the CMHA Central Office or at the Management Office of any CMHA public housing community. The Form may also be requested by phone from CMHA or can be downloaded from the CMHA Website ([www.cmhanet.com](http://www.cmhanet.com)). The Form must be completed and submitted to CMHA before the Interim Reexamination can begin. CMHA is not responsible for any delays in mail delivery. If there are questions or assistance is needed in completing the Form, help can be requested from the family's CMHA Housing Advisor.

#### **C. Increases in Income**

Except for limited circumstances (see Mandatory Interim Reexaminations below), families are not required to report increases in income between Annual Reexaminations. This temporary delay in rent increases will serve as an incentive for families to improve and maintain their economic circumstances. Also, adult family members (age 18 and over) may qualify to have all or portions of increases in earned income temporarily disregarded in the calculation of rent if they are handicapped or disabled.. Qualifications for this disregard (known as the Earned Income Disregard) will be determined by CMHA at the time of each Annual or Interim

Recertification. Increases in the family portion of rent will be effective the first day of the month after a 30-day advanced written notice to the family and owner unless the family failed to report the income change as required or caused delays in the processing of the rent reexamination.

#### **D. Decreases in Income: Interim Reexaminations and Rent Determinations**

A Request for an Interim Reexamination of Income and a new Rent Determination may be initiated under the following circumstances:

1. The family may report changes in earned or unearned income, family composition, increased child care expenses, increased medical costs or other circumstances that would result in a decrease to the family's portion of the rent. Income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent.
2. Decreases in income attributable to a family member's decision to voluntarily and deliberately end employment (as opposed to termination or layoff) are usually not considered to be a basis for a reduction in the family's rent payment; however, CMHA will consider special circumstances. Terminations and layoffs must be documented by the family and are subject to verification by CMHA.
3. If CMHA has made an error in the Rent Determination, a rent adjustment will be made. If the error correction results in a reduced rent, the family may either receive a refund or be credited with the amount of the error retroactive to the date the action should have been effective. If the error correction results in an increased rent, the adjustment will not be retroactive and apply only to future rent payments after proper notice has been given. The tenant will not be liable for any resulting undercharge for the intervening period.
4. Decreases in income from failure to comply with welfare and public assistance economic self-sufficiency requirements that result in sanctions are not eligible for rent reductions.

#### **E. Effective Date of Rent Reduction**

The date the Interim Reexamination Request Form is received by CMHA will ordinarily become the official date used to establish the Effective Date of any rent reduction. However, reported income decreases must last for more than 30 days to qualify for a new Rent Determination and a reduction in rent. The Effective Date for rent decreases will be the first day of the month following the date the Interim Reexamination Request Form was received. Once approved, rent reductions will be retroactive to this Effective Date unless the family has failed to respond in a timely manner to requests for additional information or to keep appointments. If delays in approval are caused by family actions, the Effective Date of the rent reduction will become the first day of the month following CMHA's approval.

## **F. Annual and Interim Reexaminations Overlaps**

An Interim Reexamination does not affect the date of and is not a substitute for the Annual Reexamination. At an Interim Reexamination, CMHA will ordinarily review and verify only the documentation related to the rent reduction request, but will use the appropriate standards and verification requirements based upon the Annual Reexamination procedures. Evidence of fraud or other program irregularities could result in a complete reexamination.

## **G. Mandatory Interim Reexaminations**

1. If CMHA discovers evidence of fraud, submission of inaccurate information, misrepresentation of facts or other programmatic violations that may be attributable to the family, CMHA will schedule an Interim Reexamination. Rent adjustments made as a result of these Reexaminations will be retroactive to the first day of the month following the month in which the violation occurred.
2. A change in the Head of Household must be reported in writing using the Interim Reexamination Request Form and delivered to CMHA within 10 calendar days of the change. CMHA will schedule an Interim Reexamination to review the circumstances surrounding the change, approve or disapprove the change, make any necessary rent adjustment and modify or require the modification of appropriate program documents, including leases.
3. The addition of an adult with income to a household must be reported within 10 calendar days of the occurrence. An Interim Reexamination will be conducted, an interim rent increase will be calculated and the lease will be modified.

## **H. Changes in Family Composition**

1. All births must be reported at the family's next annual recertification or when the family gives notice to move to a new unit.
2. Marriage, divorce, death, separation, custody, or guardianship changes must be reported within 30 days of their occurrence to CMHA even if there is no increase in the family's household income.
3. Any adult proposed to be added to the family's household must first be approved by the Landlord as specified in the Tenancy Addendum to the Landlord Lease. If approved by the Landlord, CMHA will then determine eligibility for admission (see Chapter 3), conduct a reexamination of family income and make a new rent determination (see Chapters 7 and 8). If all requirements are met, CMHA will then approve the change in family composition.

Failure to report these changes in a timely manner is a violation of family obligations and could result in program and/or lease termination.

If a family does not report changes at their annual recertification or when requested to provide information for an interim recertification, CMHA will determine if there was any amount of



overpaid rental assistance that must be repaid by the family. This will be calculated by taking the lesser of the larger size Payment Standard or gross rent of the unit and subtracting the smaller size Payment Standard.

For example, if a family had a 3BR unit and actually qualified for a 1BR unit at recertification but did not inform CMHA, the calculation would be as follows:

$$\begin{array}{r} 3BR \text{ Payment Standard or Gross Rent of the Unit (the lower of the two)} \\ \text{minus } \underline{1BR \text{ Payment Standard}} \\ = \text{Overpaid Payment} \end{array}$$

CMHA may also assess a retro-charge for any unreported income.

### **I. Penalties for Non-Compliance with Program Requirements**

1. If at any time CMHA determines that a family has failed to comply with program requirements, a written notice will be sent to the family describing the violation and CMHA's proposed action.
2. The CMHA determination and proposed action may be appealed under the procedures described in the Housing Choice Voucher Administrative Plan and the Public Housing Admission and Continued Occupancy Policy. In the event the family prevails on appeal, both parties shall abide by decision reached through the appeals process.
3. If the family's appeal of the CMHA determination is not successful and/or if the family does not bring itself into compliance with the program requirements, the family may be removed from the program by termination of the Housing Choice Voucher.

### **J. Processing Changes for Interim Reexaminations**

1. At any Interim Reexamination CMHA will verify and process only the change reported in income (and deductions, if appropriate) and/or family composition information unless there is evidence of fraud or misrepresentation of facts. The change items specific to the Interim Reexamination request will be subject to the procedures and requirements described in Chapter 7 (Income and Payment Determinations) and Chapter 8 (Verification of Family Information) and any related procedural components of this Administrative Policy.
2. The Interim Examination Request Form will be date stamped upon receipt, logged and routed to appropriate staff. The date stamp on the form will serve as the family's notification date to CMHA and serve as a start date for internal processing. Staff will send written notice of an appointment date to the family within 3 days after the form was received by CMHA. If the family has not received a notice from CMHA within 10 days after the Form was submitted, they should contact the family's CMHA Housing Advisor.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **16. FAMILY MOVES AND LEASE TERMINATIONS**

#### **A. FAMILY MOVES\*\***

The family can decide to move to another unit after the initial 12 months lease term has expired and if they remain in compliance with the lease provisions related to the extension of the lease term or after obtaining a mutual rescission of the lease from the family's landlord. CMHA has no authority to end a lease. CMHA will issue the family a Voucher if the family does not owe CMHA money or if the family is current on any CMHA repayment agreement and the family is in compliance with HUD and CMHA Housing Choice Voucher regulations.

\*\*(See Chapter 9 for restrictions on family moves for families using portability Vouchers.)

\*\*(See Chapter 24 for restrictions on family moves for families in the Project-Based Voucher program.)

#### **B. FAMILY NOTICE TO MOVE**

1. During the initial term of the lease, families may not end the lease unless they and the owner mutually agree by signing a Mutual Rescission Form (which may be obtained from CMHA) and submitting it to CMHA. If the family moves from the unit before the initial term of the lease ends without the owner's and CMHA's consent, it will be considered a serious lease violation and a violation of Family Obligations and may subject the family to termination from the Housing Choice Voucher Program.

2. After the initial term of the lease, families may either submit a Mutual Rescission Form to CMHA with the owner's signature or give advanced written notice of the proposed termination date to the owner by certified mail. In accordance with the lease, the notice must be sent not less than 30 days and not more than 60 days prior to the proposed termination date. The family will be required to provide the certified mail receipt and a copy of the letter sent to the landlord/owner to CMHA. If the owner does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made. If the family moves from the unit prior to providing a copy of the receipt and letter to the landlord/owner, it shall be considered as a violation of Family Obligations and may cause the family to be terminated from the Housing Choice Voucher Program.

#### **C. VOUCHER RETENTION DETERMINATION FOR SPLIT HOUSEHOLDS**

If the household breaks up (divorce or legal separation), unless there is mutual consent or a Court stipulated determination, CMHA will determine which party will retain the Voucher.

In making this decision, CMHA will consider the following guidelines:

- The desires of the parties involved;
- Custody of the children;
- The individual to whom the Voucher was originally issued, if not jointly;
- The remaining family composition in the unit; and
- The possibility of domestic violence.

If requested by CMHA, documentation of the above guidelines will be the responsibility of the requesting parties.

#### **D. LEASE TERMINATIONS AND EVICTIONS**

1. In the event the owner desires to terminate the lease and end the HAP contract, the owner must comply with the conditions of the lease and HAP contract. The lease may be terminated by:

- Court action pursuant to the Ohio Revised Code using the grounds for eviction cited in the lease; or,
- A mutual lease rescission executed by the owner and family using CMHA's Mutual Rescission Form (see Exhibit xx)

2. Other actions may result in lease termination:

- The owner may terminate a lease at any time after the initial one year period or at the end of any renewal period with a minimum of 30 days advance written notice;
- The unit becomes over-crowded according to Housing Quality Standards: or
- Owner or tenant non-compliance with the contract or family obligations. If the HAP contract is terminated, the lease is also terminated by CMHA

3. In the event of a lease termination or eviction, CMHA may deny or terminate further program assistance to the tenant to the extent authorized by, and consistent with, 24 C.F.R. §982.552. If CMHA determines that a new Voucher should be issued, CMHA will conduct a recertification prior to issuance

#### **E. OWNER NOTICE TO VACATE UNIT**

Owners may only give families notice according to their lease and/or the HUD Lease Addendum provisions. Owners are required to follow eviction procedures consistent with their HAP contract and must comply with federal, State, and local law.

## **F. FAMILY FRAUD**

If the family has committed fraud (see definition in this Plan) in connection with the Housing Choice Voucher Program, CMHA may terminate assistance and cancel the HAP contract. Notice of Termination will follow the procedure in Chapter 17 E.

If the family has understated income and assets, overstated deductions, or has falsely declared their family composition, CMHA will attempt to recover from the family any HAP contract overpayments made as a result of the family's fraud or program abuse. The fraud may also be referred to local authorities for criminal prosecution.

## **G. OWNER FRAUD**

If an owner has committed fraud (see definition in this Plan) in connection with the Housing Choice Voucher Program, CMHA may terminate the HAP Contract. If there was no family involvement in the fraud, the family is eligible to relocate to another unit with continuation of assistance.

If the owner has committed fraud, CMHA may suspend further participation, refuse to enter into any new housing contract, and/or terminate current HAP contracts. CMHA will attempt to recover any overpayment made as a result of owner fraud.

CMHA may also refer the fraud to its legal counsel for civil litigation and to local authorities for criminal prosecution.

## **H. CHANGE IN OWNERSHIP**

CMHA must receive a written request by the owner who executed the HAP contract in order to make changes in ownership. CMHA will then request the owner to execute a HAP Contract Transfer Form.

CMHA will process a change of ownership if accompanied by acceptable documentation showing the transfer of title and the correct Tax Identification Number or Social Security Number of the actual owner of the property. New owners to the Program must properly execute IRS form W-9. CMHA may withhold payment until the correct tax identification number is received.. A new owner may request that a new lease and HAP Contract be executed with the family and CMHA.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **17. DENIAL OR TERMINATION OF HCV PROGRAM ASSISTANCE**

#### **A. GENERAL POLICY**

CMHA may deny or terminate HCV Program assistance to:

- Families who have committed fraud in any federal housing assistance program; or
- Families who have violated any of the following Family Obligations:
  1. The family must supply any information that CMHA or HUD determines necessary for the administration of the program, including any evidence of citizenship or eligible immigration status;
  2. The family must supply any information requested by CMHA or HUD for use in regular or interim reexamination of the family's income and family composition in accordance with HUD requirements;
  3. The family must disclose and verify legal names and social security numbers and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813;
  4. The family must submit true and complete information as requested.
  5. The family is responsible for any HQS breach caused by the family as described in 24 CFR §982.404(b);
  6. The family must allow CMHA to inspect the unit at reasonable times and after reasonable advance notice;
  7. The family must not commit any serious or repeated violation(s) of the lease;
  8. The family must notify CMHA and owner before the family moves out of the unit, or terminates the lease on notice to the owner (see 24 CFR §982.314(d));
  9. The family must promptly give CMHA a copy of any owner eviction notice;
  10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence;
  11. The family must request CMHA approval of any change in the composition of the family including the birth, adoption, or court-awarded custody of a child. The family must also request CMHA's approval to add any other family member as an occupant of the unit;

12. The family must promptly notify CMHA if any family member no longer resides in the unit;
13. The family must request CMHA approval for a foster child or a live-in-aide to reside in the unit;
14. The family must request CMHA approval for members of the household to engage in legal profit-making activities in the unit, but approval will be given only if such activities are incidental to the primary use of the for residence by members of the family;
15. The family must not sublease or let the unit;
16. The family must not assign the lease or transfer the unit;
17. The family must supply any information or certification requested by CMHA to verify that the family is living in the unit, including any CMHA requested information or certification on family absences. The family must notify CMHA of absences from the unit;
18. The family must not own or have any interest in the unit or be related to the owner(s) of the property (home ownership participants are excluded from this rule);
19. The family's members must not commit fraud, bribery, or any corrupt or criminal act in connection with the Housing Choice Voucher Program;
20. The family's members must not engage in drug-related criminal activity, or violent criminal activity (see §982.553); or,
21. An assisted family, or members of the assisted family, must not receive Housing Choice Voucher family-based assistance while receiving other rental assistance, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

In addition to the above requirements, CMHA may terminate assistance to:

1. Any family that refuses to enter into a repayment agreement or is in default of an executed repayment agreement by missing two consecutive payments. CMHA may accept partial payment but CMHA's acceptance does not limit CMHA's right to terminate assistance for default. For any family in default, the outstanding balance must be paid prior to the issuance or re-issuance of a Voucher;
2. Any family with a total family contribution that is sufficient to pay the full gross rent, and six months has elapsed since CMHA's last HAP payment was made to the family's landlord (see Section 17.D below);

3. Any adult family member that has been evicted from public housing;
4. Any family member that has been terminated from the CMHA Housing Choice Voucher Program for family violations;
5. Any family that currently owes rent or other amounts to a housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Housing Act;
6. Any family that 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;
7. Any FSS program participant failing to comply without good cause with the FSS contract of participation;
8. Any family member that has engaged in abusive or violent behavior toward CMHA's personnel;
9. Any family that has failed to correct family caused HQS violations (See also Chapter 11, Section J - HAP Contract Terminations for Family Caused HQS Violations.);
10. If a landlord informs CMHA that a family has moved from a unit without repairing tenant caused damages or compensating the owner for repairs, the family is subject to termination of housing assistance if the total damages exceed \$1000. Owners must support their allegation by initiating court action to obtain a judgment against the family for the unpaid cost of repairs in excess of the security deposit within 6-months of the date the tenant moves from the unit. The court ordered judgment must be awarded no later than 18-months after the family moved from the unit. Cost estimates must be itemized with supporting documentation. Termination of housing assistance may occur after the family has left the damaged unit, is currently under lease in a new unit or is in the process of finding a new unit to submit.
11. Any family that has failed to make utility payments that are or were their responsibility while participating in HCV programs or that have transferred a utility to the owner without the owner's or CMHA's written consent. If the utility assesses the family's unpaid obligation to the owner, the family is still subject to termination from the program. Failure to make utility payments is also a lease violation subject to enforcement by the owner. (Also, see section 17.E below.)

## **B. DRUG-RELATED OR VIOLENT CRIMINAL ACTIVITY**

No member of the family may engage in drug-related criminal activity, violent criminal activity or other criminal activity.

1. Drug-related criminal activity means:

- The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, a controlled substance (as defined in the Controlled Substance Act);
- The illegal use or possession (other than with intent to manufacture, sell or distribute), of a controlled substance, except that such felonious use or possession must have occurred within 18 months of preliminary application date, final eligibility determination date, or re-exam appointment date. Different dates are applicable to the status of a family's housing assistance.
- Drug related criminal activity does not include the use or possession if the family member can demonstrate that s/he:
  - a. Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and,
  - b. Has recovered or is recovering from such addiction and does not currently use or possess controlled substances

2. Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

## **C. EVIDENCE OF CRIMINAL ACTIVITY:**

In determining whether to deny or terminate assistance based on drug- related criminal activity or violent criminal activity, CMHA may terminate assistance when there is information from a public record that a family member has been convicted or has pled guilty to the charge.

As a measure to determine whether the person has violated this family obligation, one of the following situations must be present:

- There has been an arrest for engaging in drug-related criminal activity or violent criminal activity (as defined above), by any family member, which resulted in a conviction or guilty plea within the last 12 months from the initial eligibility determination or last re-examination date; or



- The family has been evicted for engaging in drug-related criminal activity or violent criminal activity (as defined above), including criminal activity by any family member.

#### **D. THE \$0 ASSISTANCE FAMILY**

1. \$0 assistance families are families whose income has increased and the total family contribution is sufficient to pay the full gross rent. These families will be notified of their right to remain on the program for 6 months from the effective date they went to \$0 assistance. The current term of the lease is not affected.
2. If the owner requests and receives a rent increase during this period and the rent increase would cause CMHA to resume HAP payments, or if at reexamination time the family had a loss of income, assistance payments will be resumed. The tenant contribution will be adjusted and the landlord will be sent a HAP contract amendment form
3. If 6 months has elapsed since CMHA's last HAP payment was made, the family's assistance is automatically terminated.
4. In the event that the family wants to move to another unit during this 6-month period, CMHA will not execute a new HAP Contract for the new unit at \$0 assistance. If there would be assistance (because of a higher rent, for example), CMHA will execute a new HAP Contract.

#### **E. NOTICE OF TERMINATION**

When CMHA decides to terminate assistance to the family, CMHA must give notice to the family and the owner. A 30-day written termination notice that includes the following information:

- The reasons for the termination;
- The effective date of the termination;
- The family's right to request an informal hearing; and,
- The family's responsibility to pay the full rent to the owner if they remain in the unit after the termination date.

#### **F. UTILITY PAYMENTS AND REIMBURSEMENTS**

CMHA's policy is to require that families make all utility payments that are their responsibility or to terminate their program assistance after proper notification.

1. The lease between the owner and tenant specifies responsibility for payment of the various utilities; the owner and the family are responsible for notifying CMHA if there is a change in the assignment of responsibility for payment of any utility.. If the tenant is responsible for payment of any utility, the family receives a utility allowance from CMHA and the tenant portion of the rent is reduced accordingly. Payment is then a family obligation, and failure to pay is a basis for termination of HCV program assistance.

2. CMHA's obligation is to take appropriate action when becoming aware of the family's failure to make utility payments. CMHA will notify the family of the program requirement to meet this Family Obligation, request that the family justify the non-payment or take corrective action, and establish a compliance deadline. Absent appropriate action on the part of the family, CMHA may propose termination of program assistance.

3. Landlords are encouraged to notify CMHA if tenants are failing to make utility payments or have moved without making utility payments. Landlords must submit supporting documentation. CMHA will take action as described in Section F.2 above.

The landlord is also entitled to take action under the lease provisions governing utility payments. If the lease is terminated for cause, the tenant moves or the tenant is evicted, the landlord may recover unpaid utility payments from the tenant's security deposit.

4. Other than to request that families resolve outstanding utility payments and meet their Family Obligations (see Section A above) and taking appropriate action as described in this Section, CMHA will not seek reimbursements from families. This is a matter to be settled between the owner, the tenant and the utility company.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 18. RECOVERING OVERPAYMENTS FROM OWNERS**

#### **A. DEFINITION OF OVERPAYMENT OF HOUSING ASSISTANCE**

An overpayment of housing assistance occurs when CMHA issues a housing assistance payment that was:

1. Not in accordance with the terms of the housing assistance payment contract.
2. Beyond the term of the owner's voucher-assisted lease with the tenant.
3. For a period when the tenant did not reside in the unit.
4. For a period when the owner intentionally provided false information to CMHA for the purpose of entering into or continuing a housing assistance payment contract.

While some overpayments are due to CMHA processing errors, the majority of overpayments are caused by an action or inaction by the family and/or owner that subsequently causes the overpayment and has come to CMHA's attention after a payment has been issued.

#### **B. RIGHT OF RECOVERY**

Under the terms of the housing assistance payment (HAP) contract, CMHA has the authority to recover overpayments, suspend housing assistance payments, abate or reduce housing assistance payments, terminate housing assistance payments, and terminate the HAP contract. If CMHA determines that the owner is not entitled to the housing assistance payment or any part of it, CMHA, in addition to other remedies, may deduct the amount of the overpayment from any amounts due the owner (including amounts due under any other Housing Choice Voucher assistance contract).

CMHA has the right to refuse to enter into any additional housing assistance payments contracts with an owner until any outstanding balance is paid in full.

### **C. RECOVERY OF OVERPAYMENTS OF HOUSING ASSISTANCE**

Upon written notification to the owner, overpayments may be recovered as follows:

1. The owner may

- a. Return the HAP payment check to CMHA
- b. Request that CMHA void the check.
- c. Remit payment to CMHA for the balance due.

In the event a payment is made to CMHA, the payment must be made by personal check, money order, or certified check. CMHA will not accept cash payments. If an owner's personal check is returned for insufficient funds, CMHA will assess an additional insufficient fund charge in the amount of \$25 and require the owner to submit future payments by money order or by certified check.

2. If the owner does not take appropriate action, CMHA may:

- a. Void the HAP payment if it has not cleared within 60 days.
- b. Make a deduction from future payments made to the owner for the same client or for other clients that are under a HAP contract with the owner.

3. In the event the owner fails to repay the repayment balance within 60 calendar days of being notified in writing of the initial HAP adjustment, the owner will be sent a second and final notice that payment is due within 30 days. If no payment is received within this 30-day period, the owner's account will be forwarded to a collections agency. CMHA will not enter into any repayment agreement with an owner.

### **D. OWNER APPEAL OF THE RECOVERY OF OVERPAID HOUSING ASSISTANCE**

Chapter 19 (Complaints and Appeals by Participants and Owners) of this Administrative Plan describes the appeal process to be followed. CMHA will send written notice to the owner of any recovery action CMHA proposes to take, including the time frames for an appeal.. If the owner's appeal is not received within the timeframes, the owner's appeal rights shall be deemed waived and abandoned, the issue shall be resolved against the owner, and the issue shall not thereafter be subject to further appeal or review.

### **E. DEFINITION OF OWNER**

For purposes of this Chapter, "owner" includes any person or entity that enters into a HAP contract and is assigned a vendor account number by CMHA. If an owner's participation is suspended, that suspension may, at CMHA's discretion, apply to all entities participating in the Voucher program in which that owner holds any direct or indirect interest.

## COLUMBUS METROPOLITAN HOUSING AUTHORITY

### CHAPTER 19. COMPLAINTS AND APPEALS BY PARTICIPANTS AND OWNERS

#### A. COMPLAINTS

CMHA will investigate and respond to complaints by participants or owners. CMHA may require that complaints other than HQS violations be put in writing to CMHA. Complaints regarding physical condition of the units may be reported by phone at **614-421-6286** or by **Email at inspections@cmhanet.com.** Anonymous complaints will be checked whenever possible.

#### B. APPEALS BY OWNERS

##### 1. General

- (a) Owners may appeal the following CMHA decisions:
  - (i) Denial, in whole or in part, of a rent increase request.
  - (ii) Abatement of rent for one or more units based on a finding that one or more housing quality standards violations have not been timely corrected.
  - (iii) Cancellation of a HAP Contract after abatement has occurred.
  - (iv) Retroactive termination of a HAP Contract and recovery of HAP payments paid for prior months during the time an assisted tenant no longer resided in the unit (disputing the time when the family left the unit).
  - (v) Termination of a HAP Contract for owner breach (other than failure to maintain the unit in compliance with housing quality standards).
  - (vi) Other decisions, if the written notice of the decision indicates that it may be appealed through this procedure.

##### (b) Administrative Appeal Procedures

This sets forth an administrative process for review of appeals of the above described decisions. This procedure must be followed in all respects and fully exhausted prior to the filing of any judicial action or other request for relief.. Failure to timely follow and fully exhaust this procedure may result in dismissal of any judicial action.

##### (c) Effect of time limits.

Notices of appeal must be received by CMHA within the number of calendar days indicated in Section 4 below. The time periods for submitting notices of appeal

begin to run at the date of issuance (not receipt) set forth on the notice of decision being appealed. CMHA must receive notices of appeal by the delivery deadlines provided in this Owner Appeal Procedure. The owner may choose any method of delivery, but the owner is responsible for ensuring that the notice is received by CMHA by the applicable delivery deadline. Failure to act within any of the time limits specified in this Owner Appeal Procedure will result in the loss by the owner of the right to seek further review of a particular decision and will constitute a failure to exhaust administrative remedies. If the respective time limitations set forth in this Owner Appeal Procedure, including those for delivery and receipt of written notices or documents, are not met, the owner's appeal shall be deemed waived and abandoned, the issues shall be resolved against the owner, and shall not thereafter be subject to further appeal or review.

(d) Notice to Owner by CMHA and Notices of Appeal by Owners

- (i) All notices to owners shall be sent by regular U.S. mail to the address to which payments under the HAP Contract are sent;
- (ii) All Notices of Appeal submitted by owners must be in writing, be addressed and directed as set forth in Section 4 below, and contain the following language in a conspicuous place: **NOTICE OF OWNER APPEAL PURSUANT TO ADMINISTRATIVE PLAN.** The appeal must include a copy of the Notice to Owner and must set forth, specifically and in detail, each and every basis upon which the owner believes the decision is incorrect or is in violation of CMHA policies or HUD regulations and include the remedy being sought. Any hearing held pursuant to this Owner Appeal Procedure will be limited to the issues set forth in the Notice of Appeal.

2. **Informal Resolution**

Although not a necessary prerequisite to invocation of this Owner Appeal Procedure, owners are encouraged to immediately bring perceived errors or omissions to the attention of CMHA staff through informal means, such as telephone conversations, voice mail or e-mail. Such informal means may lead to resolution of owner concerns. Attempts to resolve concerns through informal means, however, do not alter or modify the time limits within which the owner must invoke and/or continue the formal appeal process, and the owner is responsible for ensuring that requests for formal review are submitted properly and within the designated time limits.

3. **Levels Of Formal Review**

This Owner Appeal Procedure provides the opportunity for two levels of review:

- A. The first level appeal will be to the appropriate Assistant Vice-President for the Housing Choice Voucher Program or their designee, depending on the nature of the complaint.

- B. The second level appeal will be to the Vice-President of the Housing Choice Voucher Program or a designee

4. **First Level Appeal Procedures**

- A. Written Notices of Appeal of any CMHA decision, in the form described in 1.(d)(ii), above, must be submitted within fifteen (15) calendar days of the issuance of the correspondence notifying the owner of the decision. Appeals must be sent to the following address:

Housing Choice Voucher Program  
Attn: Owner Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

- B. CMHA will contact the owner to schedule a meeting within five (5) calendar days of receipt of the proper written notice of owner appeal, unless the owner and CMHA mutually agree to an extension of no more than fifteen (15) additional calendar days.
- C. The initial meeting will be held with the appropriate AVP or their designee. Counsel will not be permitted to attend this conference, and it will not be recorded or transcribed.
- D. A written decision will be issued within fifteen (15) calendar days of the conference. The decision will be issued by regular U.S. mail and sent to the address to which payments under the HAP Contract are sent.

5. **Second Level Appeal Procedures**

- A. If the owner is not satisfied with the first level appeal decision, the owner may appeal that decision by delivering a written Notice of Appeal stating the basis for the appeal as described in B1(d)(ii) above, to the following address:

Housing Choice Voucher Program  
Attn: 2<sup>nd</sup> Level Owner Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

- B. This notice of appeal must be received by CMHA within fifteen (15) calendar days from the date appearing on the first level decision notification.
- C. If no notice of appeal is received by CMHA within the specified time frame, further appeal is waived and the initial first level decision becomes final.
- D. The Vice President of the HCV Program or designee will schedule and conduct a hearing within fifteen (15) calendar days of receipt of the notice of appeal. The owner and CMHA may mutually agree to an extension of no more than fifteen (15) additional calendar days.

E. At the hearing, the following procedures apply:

- a. The owner and CMHA may be represented by counsel. If either CMHA or the owner desires counsel to be present, that party must notify the other of counsel's presence at least seven (7) calendar days before the hearing. If either party gives timely notification of the attendance of counsel, counsel for the other party shall be permitted without additional notice. If there is no timely notification by either party, counsel shall not be permitted.
- b. The hearing may be recorded by CMHA by digital recording, stenographer, videotape, or other means determined by CMHA. The owner may provide a stenographer, at the owner's expense, so long as the transcript of the hearing is provided to CMHA thereafter.
- c. The owner may present evidence, including witness testimony. If the owner wishes to present witness testimony at the hearing, the owner shall notify CMHA at least five (5) calendar days before the hearing of the identity of each witness, provide a summary of expected testimony and provide a copy of any documentary evidence. If there is no timely notification, the owner will not be permitted to present witness testimony. CMHA's representative may, but is not required to, ask questions of the owner and any witnesses. CMHA staff and the owner may present their positions in writing at the time of the hearing.

F. Unless it is impracticable to do so, a written decision will be issued within fifteen (15) calendar days of the hearing. The decision of the Vice President or designee is final.

6. **Designation of Hearing Officers**

The VP and the AVP's of the Housing Choice Voucher may designate another hearing officer, including but not limited to a CMHA Department Head, a CMHA Hearing Officer, or an outside party, to conduct hearings provided for in this Owner Appeal Procedure. No designated hearing officer shall have been involved in the decision being appealed. Housing Choice Voucher staff (other than a CMHA Hearing Officer) shall not be eligible to be the designated hearing officer..

When such a designation is made, the appropriate VP or AVP shall review the hearing officer's decision prior to issuance to ensure that such decision is not contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law. If it is determined that the decision is contrary to law, the owner will be notified that the decision is not binding. The VP or AVP shall then issue a decision based upon the record made at the hearing and appropriate HUD, other applicable federal, state and local regulations.

7. **Judicial Review of Final Decisions**

Judicial review of any final decision under this Owner Appeal Procedure may be



obtained only in the Franklin County Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506, if such judicial appeal is otherwise appropriate and permitted.

## **C. APPEALS BY APPLICANTS AND PARTICIPANTS**

**APPLICANTS** are families that have been placed on a wait list by having their names drawn from the Lottery Applicant Pool (see Chapter 4) or placed on a wait list by other CMHA procedures described in this Administrative Plan and that have not leased a unit.

**PARTICIPANTS** are families that have been issued a Voucher and leased a unit.

### **1. Appeal Rights**

All Housing Choice Voucher applicants and participants have a right to appeal certain CMHA decisions that may affect their status as a participant and the type and scope of benefits that are afforded to them under the Housing Choice Voucher Program. Appeals to CMHA decisions must be made pursuant to HUD regulations and CMHA's policies that govern informal hearings/reviews.

### **2. Informal Hearing/Review**

The informal hearing/review provides a family the opportunity to describe any individual circumstances or personal hardships that might reverse or modify CMHA's initial decision. The informal hearing/review also affords the hearing officer an opportunity to review CMHA's initial or proposed decision(s) for compliance with HUD regulations and CMHA policies. The hearing/review officer may reverse, modify, or affirm the initial decision with or without conditions as long as the decision is not contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

### **3. Opportunities for Review**

If a family has the right to an informal hearing/review based upon HUD regulations or CMHA policies, the appeal process will be described in the letter notifying the family of the CMHA decision. The following determinations require that a family be given an opportunity for an informal hearing/review:

- Determination of the family's annual or adjusted income.
- Calculation of total tenant payment.
- Determination of the appropriate utility allowances.
- Termination of assistance.
- Determination of family's voucher unit size.
- Denial of a hardship exemption to the minimum rent requirement.

However, CMHA is not required to provide an informal hearing/review to an applicant or participant family for any of the following:

- CMHA’s unit size standards
- Discretionary administrative determinations, e.g., repayment agreement terms, appointments, etc.
- General policy issues or class grievances
- How utility allowance schedules were established.
- Extending or suspending a term of a Voucher.
- Refusal to approve a unit or an owner's lease provisions.
- HQS determinations on a unit.
- HQS occupancy violations because of family size.
- CMHA’s contractual rights and remedies with an owner.

#### **4. Deadline for Requesting Hearings/Reviews**

All requests for Informal Hearings/reviews must be made and received by CMHA within 10 calendar days of the date of the notification letter or within 10 calendar days from CMHA’s initial administrative action or decision. The request must identify the basis for the appeal and the remedy being sought. Requests received after the deadline will not be processed. All requests must be made in writing and must be addressed to:

Housing Choice Voucher Program  
Attn: Applicant/Participant Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

If the request for an Informal Hearing/Review is received by CMHA’s deadline, an Informal Hearing/Review will be scheduled and the participant will be sent written confirmation (at the participant's last known address) of the informal hearing's location, time, and date. If the participant's request for an Informal Hearing is received after CMHA’s deadline, CMHA will reject the participant's request by sending a rejection letter to the participant. The letter will be sent to the participant's last known address. The participant must bear the burden of proof for any claim of lost or undelivered mail. CMHA will maintain all copies of correspondence in the participant's file.

#### **5. Designation of Hearing Officers**

The Informal Hearing/Review shall be conducted by a Hearing Officer who will be neither the person who made or approved the decision under review or a subordinate of such person. Hearing Officers are CMHA employees appointed by CMHA’s President/CEO.

#### **6. Conduct of Hearings**

The Hearing Officer shall regulate the conduct of the hearing/review in accordance with CMHA’s hearing procedures. The Hearing Officer shall conduct the hearing informally. Oral or documentary evidence pertinent to the facts and issues raised by the parties may be received without regard to admissibility under the rules of evidence applicable to judicial hearings. The Hearing Officer shall require CMHA, the participant, counsel, and all other participants and

spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain/maintain order may result in the exclusion from the proceedings or in a decision adverse to the interests of the disorderly party. The informal hearing may be recorded and/or transcribed at the sole expense of the party who has arranged for the service.

CMHA will provide reasonable accommodation for a person with disabilities in order to participate in the hearing. CMHA reserves the right to decide the type and scope of accommodation.

At the hearing, the participant must first make a showing of an entitlement to the relief sought. Thereafter, CMHA must sustain the burden of justifying CMHA's action or failure to act against which the complaint is directed.

The participant shall be afforded a fair "due process" hearing, which shall include:

- The right to be represented by counsel or other representative.
- The opportunity for the participant to examine before the Informal Hearing any CMHA documents which are directly relevant to the hearing at least 72 hours in advance of the scheduled hearing. The participant may be allowed to copy any such document at his or her own expense. If CMHA does not allow access to a particular document, CMHA may not rely on the document at the hearing.
- The right to a private hearing.
- The right to present evidence and arguments in support of the participant's complaint to controvert evidence relied upon by CMHA and to confront and cross-examine all witnesses upon whose testimony or information CMHA relies upon to support its decision.
- A decision based solely and exclusively upon the facts and documentation presented at the hearing.

The participant will also be advised that CMHA must be given the same opportunity to examine at least 72 hours before the informal hearing any participant documents that are relevant to the hearing. The participant must allow CMHA the opportunity to copy any document at CMHA's expense. If the participant fails or refuses to allow CMHA to examine the requested documents, the participant may not rely upon the document(s) at the hearing.

## **7. Failure to Appear**

If the participant or CMHA fails to show at the scheduled hearing, the Hearing Officer may make a decision to postpone the hearing for five business days (excluding holidays and weekends) or make a determination that the party has waived their right to a hearing. The participant and CMHA shall be notified of the Hearing Officer's determination; provided that a

determination shall not constitute a waiver of any right the participant may have to contest CMHA's disposition of the Informal Hearing in a court of law.

## **8. Issuance of Decision**

The Hearing Officer shall prepare and issue a written decision to all parties on the participant's appeal within 15 calendar days after the hearing. The decision must briefly state the reasons for the decision and must be based upon the preponderance of evidence presented at the hearing.

CMHA is not bound by the Hearing Officer's decision when:

- The decision exceeds the authority of the person conducting the hearing under CMHA's informal hearing procedures; or,
- The decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, state, or local law.

If CMHA determines that it is not bound by an informal hearing decision, CMHA will promptly notify the participant of the determination and of the reasons for the determination.

Nothing in this section shall constitute a waiver of, nor affect in any way, the rights of the participant to a trial or judicial review in any court proceedings that may be brought in the matter at a later time.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 20. MISSED APPOINTMENTS FOR PARTICIPANTS**

#### **A. GENERAL POLICIES**

A family that fails to keep scheduled appointments (a face to face meeting with the appropriate CMHA staff member) at CMHA's offices or at the family's unit without notifying CMHA in advance, may be sent a notice of termination of assistance. Grounds for termination shall be the family's failure to attend meetings and/or failure or inability to provide required certifications, releases, information, or documentation required by HUD regulations and CMHA policies. Meetings may be required for the following actions:

- Deliverance of verification information and documentation;
- Voucher Briefings;
- Lease Signing and Briefing;
- Allowing Housing Quality Inspections;
- Annual Recertification Activities;
- Interim Reporting Requirements;
- Quality-Control Follow-Up; or,
- Fraud or Program Abuse Investigations.

#### **B. APPOINTMENTS AT CMHA OFFICES**

CMHA sends advance written notice to the family to meet with CMHA Housing Choice Voucher staff to initiate annual or interim recertification procedures. If the family fails to show for the first appointment, a second appointment is scheduled with written notice of the second appointment mailed to the family. If the family fails to show for the second appointment, CMHA shall send a proposed notice of termination of housing assistance to the family. The proposed termination shall provide the family an opportunity for an informal hearing before final CMHA action. (See Chapter 19 Section C)

Families must be punctual for their appointments at CMHA offices. Families arriving more than 20 minutes after their scheduled appointment time will be considered to have missed their appointment. Rescheduling appointments will be at the discretion of CMHA.

If a family notifies CMHA that they are unable to keep either the first or the second review appointment, a third appointment may be scheduled at the discretion of CMHA if CMHA determines that the family had a valid excuse for missing the previous appointments.

No more than three appointments may be granted to initiate activities listed in the General Policies of Section A above..

### **C. NEED-MORE APPOINTMENTS AND DOCUMENTATION**

At the family's initial appointment, CMHA may require the family to provide additional information and documentation in order to complete the recertification process. The documentation needed will be described and provided in writing to the family, and a deadline date established for delivery.

If necessary in the judgment of the caseworker, a "need-more" appointment will be scheduled for delivery and review of the documentation.. Alternatively, the caseworker may request that the family simply return or mail the additional documentation to CMHA's offices by the deadline date.

CMHA will give the family no more than two "need-more" notices to provide the additional information. The Family's refusal or inability to provide the requested information within the specified time frames shall be grounds for termination of housing assistance. Prior to any final action by CMHA, the family will be offered an opportunity for an informal hearing. (See Chapter 19 – Section C)

### **D. INSPECTIONS**

**An adult family member or authorized representative must be present for all Annual Inspections, Complaint Inspections and Quality Control Inspections.**

See Chapter 11, Section E.2 of this Administrative Plan for information on the scheduling and conduct of Inspections.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 21. PARTICIPANT REPAYMENT AGREEMENTS**

#### **A. REQUIRED REPAYMENTS**

Participants must either repay CMHA immediately upon notification or enter into a Repayment Agreement for overpaid HAP Payments due to:

1. Unreported income and assets.
2. Late reporting of income changes.
3. Submission of incorrect or incomplete information about family composition.
4. Other violations of family obligations under HVC program that result in HAP overpayments.

#### **B. REPAYMENT AGREEMENTS**

1. No Repayment Agreements will be allowed if there is evidence of deliberate fraud on the part of the family that caused the HAP overpayments and the resulting debt. Fraud is a basis for termination from the HCV program. The tenant is still liable for any overpaid HAP and may be referred for civil or criminal prosecution as CMHA so determines.
2. A family may not have more than one repayment agreement in effect at any time for funds due CMHA, nor may there be any consolidation of debts owed to CMHA. Repetitive abuse of family financial obligations is a basis for termination from the HCV program.
3. Failure to reimburse CMHA or enter into and comply with a Repayment Agreement may result in termination from the HCV program. A family is in default of a Repayment Agreement after missing two consecutive payments or by being behind by two payments. Upon notice by CMHA, the family must pay their outstanding balance to avoid termination of HCV program assistance.,
4. Allowing a family to enter into a Repayment Agreement with CMHA is at the sole discretion of CMHA. If CMHA enters into a Repayment Agreement with the family, the terms will be as follows:

<b>AMOUNT DUE</b>	<b>INITIAL PAYMENT</b>	<b>MAX TERM</b>
\$500 or less	50% due at execution	6 months
\$501 - 1000	40% due at execution	12 months
\$1001 - 2,500	33% due at execution	18 months
\$2,501 – 3,000	20% due at execution	24 months
\$3,001 or more	No repayment agreement.	

(Initial Payments are due at the execution of the Repayment Agreement)

Families who owe more than \$3,000 may pay the amount of funds necessary to lower the balance of funds due CMHA to \$3,000 or less to be eligible to enter into a Repayment Agreement. The initial payment as listed above must also be paid.



## COLUMBUS METROPOLITAN HOUSING AUTHORITY

### CHAPTER 22. HOMEOWNERSHIP ASSISTANCE PROGRAM

#### A. ELIGIBILITY

To be eligible for the Housing Choice Voucher Home Ownership Assistance Program, the family must be currently participating in CMHA's Housing Choice Voucher Program and have a minimum of \$3,500 in their FSS escrow account (see Chapter 26) or in other personal savings, or IDA savings and agency matching funds of \$3500 or more. For disabled families, the minimum amount of FSS escrow or personal savings for home ownership is to \$2,000. Families are also subject to the following requirements:

1. Family must continue to meet the family obligation requirements of the Housing Choice Voucher Program.
2. Family must be in full compliance with their lease.
3. All members of the family must qualify as first-time homebuyers – i.e., not having any ownership interest in a residence of any family member during the three years before commencement of homeownership assistance. First-time homebuyer includes a) a single parent or displaced homemaker who, while married, owned a home with their spouse or resided in a home owned by their spouse, or b) a family that includes a person with disabilities, and use of the homeownership option is needed as a reasonable accommodation.
4. If any member of the family has previously received assistance under the home ownership program and has defaulted on a mortgage securing the debt, the family is not eligible to participate in the Housing Choice Voucher homeownership program.
5. Family must demonstrate that one or more adult members of the family who will own the house at commencement of homeownership assistance is employed on a full-time basis (not less than an average of 30 hours per week) and has been continuously employed for at least one year. School employees must provide a statement from the employer confirming that the family member works at least 39 weeks at 40 hours per week. This employment requirement does not apply to an elderly family or disabled family.
6. Family must demonstrate that the annual income (gross income) of the adult family members who will own the home at the commencement of homeownership assistance is equal to 2,000 hours of annual full-time work at the Federal minimum wage. Income counted in meeting the minimum income requirement must come from sources other than welfare assistance (however, welfare assistance may be used in determining if disabled or elderly families meet the income requirement. Self-employed individuals must provide proof of self-employment net income for the past two years that meets this Federal minimum wage standard by providing IRS 1040 tax reports with appropriate business

schedules attached. Disabled families are exempt from this requirement but must meet affordability standards.

Although these are minimum income requirements, the family must demonstrate that it has been pre-approved or pre-qualified for financing in an amount sufficient to purchase decent, safe and sanitary housing of modest design in CMHA's jurisdiction.

7. Family must attend and satisfactorily complete pre-assistance homeownership and housing counseling provided by a HUD-certified home ownership counseling agency. The home ownership counseling must include finance and budgeting education and credit counseling.

## **B. HOME OWNERSHIP DOWN PAYMENT**

The Housing Authority has established a minimum home ownership down payment of at least 3.5 percent of the purchase price and requires that one percent of the purchase price come from the family's personal resources.

## **C. FAMILY OBLIGATIONS**

Before commencement of homeownership assistance, the family must execute the HUD Statement of Family Obligations form and a release of information form. In this Statement, the family agrees to comply with all family obligations under the homeownership assistance program.

## **D. TIME FRAME OF UTILIZATION**

After executing the Statement of Homeowner Obligations (Form-HUD-52649), the participating family must locate a home for purchase and sign a sales contract within 90 calendar days. CMHA will then inspect the unit for compliance with program requirements (see Unit Eligibility below).

Any request for an extension beyond the initial 90 days will be reviewed on a case-by case basis and extensions will be at the sole discretion of CMHA. If the family is unable to enter into a Contract of Sale after exhausting all extensions, the family will remain in the Housing Choice Voucher Program as a renter. If the family's search time expires, they must wait 120 calendar days before they may reapply for the program.

## **E. PORTABILITY**

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of CMHA's jurisdiction if the receiving public housing authority is administering a Housing Choice Voucher Homeownership program and is accepting new families into its program. The family must comply with the HCV policies of the receiving PHA.

## **F. FINANCING**

The participating family is responsible for obtaining financing. CMHA will provide the family with a list of participating lenders. Financing must meet the credit and underwriting requirements of the lender.

Seller financing, balloon payments and the FHA 203(k) loan program are prohibited forms of financing. Lease-purchase agreements are considered to be and treated the same as rental agreements. Voucher funds may not be used to assist with financing costs (down payment, closing cost, fees, etc.). It is recommended that the family use funds in the FSS escrow account or in other personal savings accounts for such costs.

The lender must supply a copy of the appraisal, mortgage application, pre-approval letter, form HUD-1 Settlement Statement, Good Faith Estimates and Truth-in-Lending Statements, MLS listing with photos and application (if any) for down payment grant assistance. CMHA will review the financing package and determine affordability and acceptability on a case-by-case basis. All loan closing documents must be provided to CMHA for review and approval at least 3 business days prior to the loan closing date.

If the purchase is a condominium unit, the Lender or the family must also secure and provide documentation from the condominium association showing the monthly fee assessment for maintenance and repairs (an affordability concern). If the association is responsible for replacements of roofs, painting of units, and other long-term capital expenses related to the association's property, the documentation must include evidence that a capital reserve fund has been created and that it has been adequately funded in order to avoid the need for special assessments on the unit owners.

## **G. UNIT ELIGIBILITY**

The Housing Authority will inspect the selected unit to determine its suitability for the Homeowners program based upon the following:

1. The unit must be new (under construction) or an existing unit at the time the Housing Authority determines that the family is eligible for homeownership assistance.
2. The unit is a one-unit property or single unit in a condominium community.
3. The unit must meet Housing Quality Standard requirements.
4. If the unit has passed the HQS inspection, the unit must be also inspected by an independent and certified professional home inspector chosen by the family.
5. The family must determine and document whether or not the unit is in an airport runway clear zone or an airfield clear zone.

6. The family must determine and document whether the unit is in a flood hazard area. Units in flood hazard areas must be insured for flood damage.
7. CMHA may not approve a unit if it learns that the seller has been debarred, suspended, or subjected to a limited denial of participation by HUD.

#### **H. PROHIBITED HOUSING TYPES**

- Congregate Housing
- Group home
- Shared housing
- Cooperative housing
- Mobile Homes
- Single room occupancy (SRO)

#### **I. CONTRACT OF SALE AND INSPECTION**

Prior to commencement of home ownership assistance, the family must enter into a “Contract of Sale” with the seller of the unit. The family must provide CMHA with a copy of the “Contract of Sale” and the MLS listing for the property for CMHA review and approval.

The Contract of Sale must include the home’s price and terms of sale, the purchaser’s pre-purchase inspection requirements, addendums (if any), notice that the sale is conditional on the purchaser’s acceptance of the inspection report and an agreement that the purchaser is not obligated to pay for necessary repairs.

The family must obtain a home inspection by an independent professionally qualified inspector of the unit’s major systems at the family’s expense. The independent inspector may not be a Housing Authority employee or contractor or other person under the control of the Housing Authority. The inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems.

The independent inspector must provide a copy of the inspection report to both the family and the Housing Authority. The Housing Authority will not commence home ownership assistance for the family until the Housing Authority has reviewed the inspection report. Even if the unit otherwise complies with the HQS (and may qualify for assistance under the Housing Authority’s tenant base rental voucher program), CMHA shall have discretion to disapprove the unit for assistance under the home ownership option because of information in the inspection report.

CMHA will conduct a Housing Quality Standards (HQS) inspection and review the independent inspection of the unit’s major systems. CMHA retains the right to disqualify the unit for inclusion in the homeownership program based on the HQS inspection or the independent inspection report.

## **J. HOUSING ASSISTANCE PAYMENTS**

The Housing Authority will use the Voucher Program Payment Standards in determining Payment Standards amounts for the homeownership program. Payment Standards are the greater of (1) the Payment Standard at commencement of homeownership assistance or (2) the Payment Standard at the most recent reexamination since commencement of homeownership assistance. The family's Housing Choice Voucher home ownership assistance payment (HAP) will be the lower of (1) the Housing Choice Voucher Payment Standard minus the total tenant payment or (2) the monthly Homeownership expenses minus the total tenant payment. CMHA will annually reexamine the family income and composition and make appropriate adjustments to the amount of the monthly housing assistance payment.

Home ownership assistance payments will be made directly to the family. It will be the family's responsibility to make the entire mortgage payment to the lender in a timely manner.

While the rent burden standard is not applicable for home ownership, it does give an indication of affordability. CMHA will use this 40% affordability standard as a guideline for approving families for home ownership. Home ownership expenses include principal and interest for initial mortgage and refinancing debt, real estate taxes and public assessments, mortgage insurance, home insurance, fee assessments for condominium units, utility allowance from rental voucher program and CMHA's allowance for routine maintenance cost and long-term replacement costs.

If the family's income increases to a point that they do not receive an assistance payment, eligibility for such payments will continue for (180) calendar days. At the end of a continuous period of 180 days without any assistance payments, eligibility for Housing Choice Voucher assistance will automatically terminate. CMHA, at its sole discretion, may waive the termination of the Housing Choice Voucher assistance if the termination of the assistance results in extreme hardship.

## **K. MAXIMUM TERM OF HOME OWNERSHIP ASSISTANCE**

Housing Choice Voucher home ownership assistance will only be provided while the family resides in the home. The maximum length of time a family may receive home ownership assistance is 15 years if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer. In all other cases the maximum term is 10 years. Elderly and disabled families are exempt from the time limit.

The maximum term of home ownership assistance applies to the total time a family receives home ownership assistance, regardless of whether the family purchases another home.

The maximum term applies to any member of the family who:

1. Has an ownership interest in the unit during the time that home ownership payments are made; or

2. Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

If during the course of home ownership assistance, a family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date home ownership assistance commenced. However, such a family must be provided at least 6 months of home ownership assistance after the maximum term becomes applicable, provided the family is otherwise eligible to receive home ownership assistance.

## **L. CONTINUED ASSISTANCE REQUIREMENTS**

Home ownership assistance will only be paid if the family resides in the home. If the family moves out of the home, CMHA will not continue homeownership assistance after the month in which the family moves out. The family or lender is not required to refund to the CMHA the homeownership assistance for the month in which the family moves out.

Upon the death of a family member who holds in whole or in part title to the home, home ownership assistance may continue pending settlement of the decedent's executor or legal representative as long as the home is solely occupied by remaining family members and remaining family members are in compliance with the CMHA's Housing Choice Voucher Program.

To continue to receive home ownership assistance, the family must comply with the following family obligations:

1. The family must comply with the terms of any mortgage securing debt incurred to purchase the home and any refinancing of such debt;
2. The family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home;
3. The family must supply required information regarding income and family composition to CMHA to for correct calculation of the total tenant payment;
4. The family must provide information on any mortgage or other debt incurred to purchase the home, any refinancing of such debt and any sale or other transfer of any interest in the home;
5. The family must notify CMHA in writing within thirty days of the event if the family defaults on a mortgage securing any debt incurred to purchase the home;
6. The family must provide CMHA with a thirty day written notice before the family moves out of their home; and,
7. The family must provide documentation to CMHA that they are current on the mortgage,

insurance, and utility payments at their annual re-certification.

**M. MOVE TO A NEW UNIT**

Families are prohibited from moving to a new unit if they continue to own title or interest in the prior home, have not resided in the home for one year, and/or if the family has failed to comply with all ongoing program and family obligation requirements.

A home ownership family may purchase another home with Housing Choice Voucher assistance provided there is no mortgage loan default and the family is in compliance with the homeownership program family obligations.

**N. DEFAULTS**

If a participant in the homeownership program defaults on their home mortgage loan, the participant will be terminated from the HCV program. After termination, the family may not reapply for the Housing Choice Voucher program waiting list for three years.

**O. LOAN REFINANCING**

Refinancing must be approved in advance by CMHA. Unit affordability factors still apply for continued Voucher home ownership assistance.

**P. DENIAL OR TERMINATION OF ASSISTANCE**

CMHA may deny or terminate homeownership assistance for the following reasons:

1. Failure to comply with CMHA or Housing Choice Voucher Program regulations;
2. Failure to comply with the Housing Choice Voucher homeownership family obligations;
3. Mortgage default; or
4. Failure to pay real estate taxes.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 23. FAMILY SELF-SUFFICIENCY PROGRAM**

#### **A. PURPOSE OF THE PLAN**

The Housing Choice Voucher Family Self-Sufficiency Program is designed to achieve the following objectives:

- Reduce the dependency of low-income families on welfare assistance and Housing Choice Voucher housing assistance.
- Provide families with opportunities to enhance their education, job training and employment skills.
- Provide families with opportunities for home ownership if home ownership is part of their goals.

#### **B. OUTREACH AND RECRUITMENT**

CMHA will provide information to Housing Choice Voucher tenants on the availability of the Family Self-Sufficiency Program. The Program is voluntary and families are selected on a first-come, first served basis.

FSS notices will briefly describe the program and basic qualifications for potential FSS participants and instructions on contacting the FSS coordinator. If a tenant is interested in participating in the program, the FSS Coordinator will schedule their attendance at the next orientation meeting.

#### **C. ORIENTATION, INTERVIEW AND ASSESSMENT**

FSS orientation meetings will be scheduled on an as needed basis. Participants will receive specific information on the program, participant contract, service plan, escrow account, program completion and program termination. After attending the program orientation meeting, all interested FSS participants will be scheduled for a personal interview and needs assessment meeting. Attending the interview and needs assessment meeting is mandatory for entry into the FSS Program.

#### **D. FAMILY ACTION PLAN AND CONTRACT OF PARTICIPATION**

After completion of the needs assessment, a family-focused action plan will be developed and a Contract of Participation prepared for the signature of the head-of-household. The Contract of Participation specifies the services to be provided to the family and the obligations that the family agrees to undertake/complete. . The head of the family must agree to seek and retain employment.



The contract is for five (5) years, but may be extended for up to two (2) years for good cause. All extension requests must be submitted to the FSS coordinator in writing. Under no circumstances, will the contract exceed seven (7) years.

The contract may be modified as family circumstances changes, if the changes are mutually agreeable to the family and the Housing Authority. All requests for modifications must be submitted in writing.

#### **E. ESCROW ACCOUNT**

CMHA will establish an escrow account for the participating FSS family. In accordance with HUD requirements a portion of the increase in tenant paid rent that would otherwise result from increases in earned income of family members during the term of this contract will be deposited in this account.

Interim withdrawals may be made from the family's FSS escrow account to assist the family in completing goals of the Participation Contract. Request for interim withdrawals must include a signed written request from the head of the participating family and proper documentation supporting the request. Interim withdrawal requests will be reviewed and approved by the FSS Coordinator on a case-by-case basis.

Although CMHA's interim reexamination policy does not require families to report increases in income between annual reexaminations, FSS families may prefer to report such increases to increase their escrow account balances.

Receipts for items/services purchased must be presented to FSS Coordinator within 10 days of fund disbursement. Failure to present receipts can result in denial of future interim withdrawal requests.

The balance amount in a family's FSS account in excess of any amount owed to CMHA may be paid to the head of the participating family after:

- 1) CMHA determines that the participating family has met its obligations under the Contract of Participation, including the requirements of each individual training and services plan;
- 2) The head of family certifies that, to the best of his/her knowledge and belief, members of the FSS family no longer receive any welfare cash maintenance payments;
- 3) The family's TTP equals or exceeds the Fair Market Rent for their Voucher size and they have met all other conditions of the Program.

Amounts in the FSS escrow account shall be forfeited if CMHA determines that:

- 1) A participating family has failed to meet its obligations under the Contract of Participation;
- 2) The participating family is no longer under a Contract of Participation and is still receiving welfare cash maintenance payments; or,
- 3) The family has been terminated from the Housing Choice Voucher Program for failure to comply with Family Obligations.

**K. TERMINATION OF THE CONTRACT OF PARTICIPATION**

FSS families have the right to withdraw from the FSS program. All requests to terminate must be submitted in writing to the FSS coordinator.

CMHA may terminate a FSS contract when the head of family has failed to fulfill the terms of the participation contract and any extension.

In either case, withdrawal or termination from the HCV/FSS program, the escrow is forfeited.

**L. HEARING RIGHTS**

Participants have the right to appeal a termination of their contract of participation. Appeals must be filed in writing to the Vice President of Housing Choice Voucher Programs within 10 calendar days of the date of proposed termination. See Chapter 19 – Complaints and Appeals by Owners and Families.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **24. PROJECT BASED VOUCHER PROGRAM**

#### **A. PURPOSE**

CMHA's project based voucher program provides safe and affordable housing opportunities for elderly, disabled, handicapped and/or severely economically disadvantaged families. Projects receiving Project-Based Vouchers must offer supportive services on a continuing basis to these special needs populations in order to receive the Vouchers. Supportive services include but are not necessarily limited to:

- a service coordinator to help residents arrange for services
- access to supportive services 24 hours a day
- case management
- personal care services
- housekeeping and laundry assistance
- grocery shopping assistance
- transportation
- social activities
- medication reminders and assistance
- companions
- help with chores
- personal finance and household budget counseling
- access to education, training, and/or job counseling
- on-site day care to enable parents to work or attend school.

#### **B. APPLYING FOR PROJECT-BASED VOUCHERS**

All Vouchers received by owners for project-based assistance must be awarded through a competitive process as required by HUD regulations. The competition, the proposals received, the sites selected and program elements must all meet the requirements of 24CFR Part 983, Project Based Voucher (PBV) Program. All interested parties are urged to review these regulations.

CMHA currently recognizes two competitive processes:

##### **1. CMHA Requests for Proposals (RFP)**

Based upon the availability of Vouchers and the special needs populations to be served, CMHA from time-to-time publishes a Request for Proposals for a specified number of Vouchers. The RFP will specify the locations, type of construction, unit sizes, supportive services desired and other submission requirements. The RFP and the selection results will be published in a newspaper of general circulation.

## **2. Ohio Housing Finance Agency (OHFA) Competition for 9% Tax-Credits**

Projects that have been competitively awarded 9% Low-Income Housing Tax Credits by OHFA are eligible to receive Project-Based Vouchers from CMHA. However, CMHA's awards of Vouchers based upon this LIHTC competition are completely discretionary. Further, no awards may be made to projects where the competitive process involved any consideration that the project would receive PBV assistance (see 24CFR983.51(b)(2)). In some instances, HUD approval may also be needed for approval of specific regulatory requirements.

Owners must make a written request to CMHA for project-based voucher assistance within 1 year from the date of their award and arrange a meeting or conference call with CMHA staff to discuss their request. CMHA considerations will include, but are not limited to, the availability of Vouchers, the type of project, its location, the population to be served and the supportive services to be provided. If the proposal meets CMHA's current needs and policies, the owner will be invited to submit a full application for further review and consideration.

### **C. AWARD OF PROJECT BASED CONTRACTS**

All project based contracts must be approved by the CMHA Board of Commissioners.

### **D. OWNER AND PARTICIPANT RIGHTS AND RESPONSIBILITIES**

Admission, tenant rent contributions, occupancy, tenancy, annual reexaminations, and housing quality standards and policies for participants will be governed by 24CFR Parts 982, 983, and this Administrative Plan. Voucher issuance and portability are restricted while the family participates in the Project-Based Voucher program. Tenants may convert to the Tenant-Based Voucher program after the initial term of their lease (not less than one year) expires. Tenants must comply with HUD's program definitions, list of family obligations and CMHA Administrative Plan requirements.

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 25 – SHELTER PLUS CARE

The Shelter Plus Care (S+C) Program is a special stand-alone program created by Congress to assist disabled and homeless persons. Funding comes from the Community Development Block Grant Program and is in the form of Vouchers awarded to sponsor agencies that serve the homeless and disabled. Participants are selected by the sponsor agencies, not CMHA.

In most respects, the regulations governing the Housing Choice Voucher also control the administration of the S+C, but there are exceptions. Working in cooperation with the sponsor agencies, CMHA has responsibility for oversight and administration of the S&C Vouchers.

The purpose of this Chapter is to enumerate the S+C exceptions to the policies and procedures in the CMHA Administrative Plan for the Housing Choice Voucher Program. Unless an exception is listed below, the requirements of the Administrative Plan are applicable.

### **1. Criteria for Admission Eligibility - Chapter 3 Section D**

With the exception of the sexual offender status, no part of this Section applies to the S+C program.

### **2. Applying for Admission**

CMHA does not maintain a waiting list for the S+C program because it is designed to provide immediate housing for homeless and disabled families or single persons, and CMHA's Admission Preferences do not apply. Applicants must be referred to CMHA by sponsor agencies, and the agencies are responsible for determining suitability of the applicants for participation in the S+C program.

### **3. Income Targeting**

CMHA's HCV program requirement that 75% of all Vouchers be targeted to families/persons earning less than 30% of the area median income does not apply to the S+C program.

### **4. Minimum Rent**

CMHA's minimum rent policies do not apply to S+C participants.

### **5. Proof of Ownership**

Sponsor agencies may request exceptions to CMHA requirements for proof of ownership of S+C units. Effective control of the unit must be demonstrated for the term of the Voucher and the S+C Contract.

## **6. Rent Increases**

S+C Program owners must request rent increases in writing at least 60 days prior to the proposed effective date. Increases will be effective on or after the anniversary date of the S+C Contract.

## **7. Voucher Portability**

The portability rules of the HCV program do not apply to the S+C program. The Vouchers are awarded to and then retained by sponsor agencies when a family/individual ends, leaves or is terminated from the program.

## GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

**ADJUSTED INCOME.** Estimated annual income, less allowable HUD deductions.

**ANNUAL CONTRIBUTIONS CONTRACT (ACC).** A written agreement between HUD and CMHA to provide annual contributions to cover housing assistance payments and other expenses pursuant to the Act.

**ANNUAL INCOME.** The estimated total annual income of an eligible family from all sources for the 12-month period following the date of determination of income.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances (See Chapter 7 Part 2).

**ASSETS.** (See Section 7, Part 1)

**ASSISTED FAMILY.** A family that receives a rental subsidy.

**CHILD CARE EXPENSES.** Amounts paid by the family for the care of minors under 13 years of age.

**CONTRACT RENT.** The total rent paid to the owner, including the family payment and the HAP payment from CMHA.

**CMHA.** The Columbus Metropolitan Housing Authority.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

**DISABLED PERSON.** "Disabled person" means a person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423) or in Section 42 U.S.C. 6001(7).

**DISPLACED PERSON.** "Displaced person" means a person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief laws.

**ELDERLY HOUSEHOLD.** A family whose head or spouse or whose sole member is at least 62 years of age or a disabled person or a handicapped person. (See Chapter 3).

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBLE FAMILY.** (See Chapter 3.A.)

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly families in excess of 3% of Annual Income which are not reimbursable from any other source.

**FAIR MARKET RENT.** The rent limit published in the Federal Register for Housing Choice Voucher Program, which includes utilities (except telephone) and ranges and refrigerators. (See Chapter 14).

**FAMILY.** (See Chapter 3.A)

**FAMILY RENT.** The amount payable monthly by the family as rent to the owner. (See Chapter 7 Part 3)

**FAMILY OF VETERAN OR SERVICEPERSON.** A family is a "family of a veteran or serviceperson" when:

- The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
- The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is carrying a credit hour load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as a higher educational institution offering an undergraduate, graduate, or professional degree.

**GROSS RENT.** The sum of the contract rent and the utility allowance. If there is no utility allowance, the contract rent equals gross rent.

**HANDICAP ASSISTANCE.** Anticipated costs for care attendants and auxiliary apparatus for handicapped or disabled family members, which enable a family member (including the handicapped family member) to work.

**HANDICAPPED PERSON.** A person having a physical or mental impairment which:

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



**HEAD OF HOUSEHOLD.** The head of household is the person who assumes legal responsibility for the household.

**HOUSING ASSISTANCE PAYMENT.** The payment made by CMHA to the owner of a unit under lease by an eligible family, as provided in the HAP Contract. The payment is the difference between the Contract Rent and Family Rent.

**HUD.** The Department of Housing and Urban Development

**HQS.** Housing Quality Standards

**IMPUTED ASSET.** Asset disposed of for less than fair market value during two years preceding examination or reexamination.

**IMPUTED INCOME.** The CMHA determined passbook rate times the total cash value of assets (see Chapter 7 Part 1).

**INCOME.** Income from all sources of each member of the household (See Chapter 7 Part 1).

**LANDLORD.** This term means either the owner of the property or the managing agent.

**LEASE.** A written agreement between an owner and an eligible family for the leasing of a housing unit.

**LOWER INCOME FAMILY.** A family whose income does not exceed 80% of the median income for the area as determined by HUD.

**MARKET RENT.** The rent HUD authorizes the owner in multi-family housing to collect from families ineligible for assistance.

**MEDICAL EXPENSES.** The total medical expenses, including medical insurance premiums, that are anticipated to be paid during the period for which Annual Income is computed, and that are not covered by insurance.

**MINOR.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**MONTHLY-ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances or Adjusted Income.

**MONTHLY INCOME.** 1/12 of the Annual Income.

**PARTICIPANT.** A family becomes a HCV Program participant when there is an effective HAP Contract between CMHA and the owner on behalf of the family.

**REEXAMINATIONS OF INCOME.** The process of securing documentation to determine the rent the family will pay for the next 12 months.

**REMAINING MEMBER OF FAMILY.** A person left in assisted housing who may or may not normally qualify for assistance on own circumstances (e.g., widow age 47, not disabled or handicapped).

**RENT TO OWNER.** This is called Contract Rent in the HCV Program. It is the total amount of rent payable to the owner by the family and CMHA per month for an assisted unit.

**SECURITY DEPOSIT.** A dollar amount (maximum set according to the regulations), which can be used for unpaid rent or damages to the owner upon termination of the lease.

**SERVICE PERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone upon admission to the HCV Program.

**PAYMENT STANDARD.** The maximum Gross Rent amount used to calculate the housing assistance a family will receive.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the family to pay toward rent and utilities.

**UNIT.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit.

**UTILITIES.** Utilities mean water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone and television cable services are not included as a utility.

**UTILITY ALLOWANCE.** CMHA's estimate of the average monthly utility bills (except telephone and television cable) for an energy-conscious household. This estimate considers only utilities paid directly by the family. If all utilities are included in the rent, there is no utility allowance. Utility allowances vary by unit type and are listed on CMHA's Utility Allowance Schedule.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Family Payment for the family occupying the unit.

**VERY LOW INCOME FAMILY.** A Lower Income Family who's Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released from service under conditions other than a dishonorable discharge.

**ZERO INCOME FAMILY.** A family with any adult non-disabled members who report zero income and who are not full time students.