



# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## COLUMBUS METROPOLITAN HOUSING AUTHORITY ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM

April 21, 2023



# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## INDEX

<b>Chapter 1 – Statement of Local Policies</b>	<b>Page 3</b>
<b>Chapter 2 – Equal Opportunity and Reasonable Accommodation</b>	<b>Page 6</b>
<b>Chapter 3 – Eligibility for Admission</b>	<b>Page 15</b>
<b>Chapter 4 – Application Policies and Procedures</b>	<b>Page 25</b>
<b>Chapter 5 – Admission Preferences</b>	<b>Page 35</b>
<b>Chapter 6 – Determination of Voucher Size</b>	<b>Page 39</b>
<b>Chapter 7 – Income and Payment Determinations</b>	<b>Page 42</b>
<b>Chapter 8 – Verifications of Information</b>	<b>Page 84</b>
<b>Chapter 9 – Briefings, Voucher Issuance, and Portability</b>	<b>Page 108</b>
<b>Chapter 10 – Locating and Securing Approval of Suitable Housing</b>	<b>Page 114</b>
<b>Chapter 11 – Inspection Policies and Housing Quality Standards</b>	<b>Page 118</b>
<b>Chapter 12 – Lease and HAP Contract Execution</b>	<b>Page 135</b>
<b>Chapter 13 – Property Owner Payments, Utility Allowances, and Adjustments</b>	<b>Page 137</b>
<b>Chapter 14 – Rents, Payment Standards, and Rent Increases</b>	<b>Page 140</b>
<b>Chapter 15 – Interim Reexaminations of Rent and Income</b>	<b>Page 143</b>
<b>Chapter 16 – Family Moves and Lease Terminations</b>	<b>Page 148</b>
<b>Chapter 17 – Denial or Termination of HCV Program Participation</b>	<b>Page 153</b>
<b>Chapter 18 – Recovering Overpayments from Property Owners</b>	<b>Page 160</b>
<b>Chapter 19 – Complaints and Appeals by Participants and Property Owners</b>	<b>Page 162</b>
<b>Chapter 20 – Missed Appointments for Participants</b>	<b>Page 170</b>
<b>Chapter 21 – Participant Repayment Agreements</b>	<b>Page 172</b>
<b>Chapter 22 – Homeownership Program</b>	<b>Page 174</b>
<b>Chapter 23 – Family Self Sufficiency Program</b>	<b>Page 181</b>
<b>Chapter 24 – Project-Based Voucher Program</b>	<b>Page 184</b>
<b>Chapter 25 – Rental Assistance Demonstration</b>	<b>Page 187</b>
<b>Chapter 26 – Violence Against Women’s Act (VAWA)</b>	<b>Page 197</b>
<b>Chapter 27 – Compliance and Reporting</b>	<b>Page 205</b>
<b>Chapter 28 – Continuum of Care</b>	<b>Page 207</b>
<b>Chapter 29 – Special Programs</b>	<b>Page 209</b>
<b>Chapter 30 – Emergency Housing Vouchers</b>	<b>Page 215</b>
<b>Glossary</b>	<b>Page 222</b>

# **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 (HCV) Program and the Project-Based Voucher (PBV) Program – administered by CMHA. “The Rental Assistance Demonstration (RAD) is a voluntary program of the Department of Housing and Urban Development (HUD). RAD seeks to preserve public housing by providing Public Housing Agencies (PHAs) with access to more stable funding to make needed improvements to properties.”

PIH Notice 2016-01 / PIH Notice 2011-52 (HA): Family unification program (FUP) allocations are provided to PHAs to assist families who have lost, or are in danger of losing, their children to foster care, but who may be able to retain custody of their children or reunite the family if they can obtain adequate housing. From their waiting lists, PHAs select families that have been identified or referred to the PHA by the local public child welfare agency as program candidates based on family circumstances. In addition to meeting the public child welfare agency criteria, families selected for FUP assistance must meet basic housing choice voucher eligibility requirements.

VASH – PIH Notice 2020-14: The HUD-VASH program combines HUD Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services provided by the VA at its medical centers (VAMC), community-based outpatient clinics (CBOCs), VA contractors, or VA designated entities. The VA facility refers all eligible HUD-VASH families to the public housing agency (PHA).

PIH Notice 2020-01: Mainstream Vouchers (also formerly known as Mainstream 5- Year Vouchers or Section 811 Vouchers) are tenant-based vouchers that serve a special population of households. Mainstream Vouchers will serve households that include a non-elderly person(s) with disabilities (between the ages of 18 and 61 years old) at the effective date of the initial Housing Assistance Payment (HAP) Contract, (i.e., the effective date of the New Admission [action code =1] on the form HUD-50058 (or form HUD-50058 MTW).

HCVs enable non-elderly disabled (NED) families to lease affordable private housing of their choice. NED vouchers also assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

Tenant Protection Vouchers (TPVs) are Section 8 Housing Choice Vouchers (HCVs) that HUD provides to Public Housing Agencies (PHAs) that administer an HCV program. Although HUD also provides TPVs to PHAs to protect HUD-assisted families from hardship as the result of certain Multifamily Housing transactions, this document addresses TPVs only for HUD’s Public Housing (Low Rent) portfolio.

The Housing Choice Voucher (HCV) homeownership program allows families that are assisted under the HCV program to use their voucher to buy a home and receive monthly assistance in meeting homeownership expenses.

The HCV homeownership program is available only to families that have been admitted to the HCV program and it is not offered by every Public Housing Agency (PHA). PHAs have the discretion to determine whether to implement the HCV homeownership program in their jurisdictions.

To participate in the HCV homeownership program, the HCV family must meet specific income and employment requirements (the employment requirement does not apply to elderly and disabled families), be a first-time homeowner as defined in the regulation, attend, and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the PHA, and meet any additional eligibility requirements set by the PHA.

These programs are administered in compliance with the Ohio Revised Code (ORC), Code of Federal Regulations (CFR) and this Administrative Plan. If any policy in this Plan conflicts with federal or state law or regulation; the applicable law or regulation shall take precedence over this Plan.

#### **A. THE CMHA ADMINISTRATIVE PLAN (24 CFR § 982.54)**

The purpose of this Administrative Plan is to establish discretionary policies and implement HUD regulations for the administration of the Housing Choice Voucher, Family Unification Program, VASH, Mainstream, NED, Tenant Protection and Homeownership. 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 President/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 while conducting official agency business. (See the "Privacy Act Notice" from HUD Form-9886: Authorization for the Release of Information/Privacy Act Notice)

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

- the family's current address
- the current landlord's address and 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 property owner their written consent. CMHA reserves the right to verify that the person(s) requesting the information is an actual prospective property owner or their designated agent and requires them to release CMHA from any claims.

Information concerning CMHA's participating Housing Choice Voucher property owners 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 ACCOMMODATION**

### **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
- 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 HCV Program information available to property owners and managers of decent and affordable housing in Franklin County and encourage current HCV property 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 HCV Program. Efforts to educate property owners and promote CMHA's HCV Program include the following:

- An HCV property owner newsletter.
- An Internet website ([www.cmhanet.com](http://www.cmhanet.com)) containing information about the CMHA HCV Program.

- Working meetings and seminars with property owners to explain HCV regulations and CMHA policies.
- Customer service training for CMHA’s HCV staff.
- Active recruitment of units by staff during property owner contacts.

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

CMHA refers participants and property owners to GoSection8.com to access a list of available vacant units by location, bedroom size, and housing type (duplex, single family, multi-family, etc.).

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

**OBJECTIVE III - ENSURING EQUAL OPPORTUNITY TO APPLICANTS FOR PARTICIPATION IN CMHA'S HCV, PBV, VASH, NEDs, TPVs, EHV, AND HOMEOWNERSHIP 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. (24 CFR § 1.4; 982.552(c)(2); 982.202(b)(3); 5.105(a))

**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 waitlist 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 HCV 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 if the family has reason to believe 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.

## **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 (24 CFR § 8.20).

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 to 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 General Counsel of CMHA is the Section 504 Compliance Officer for the Programs governed by this policy.

### **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 definitions for persons with disabilities is provided below:

1. HUD Definition of Disability: The person meets the Social Security Administration definition of a person with disabilities as defined in 42 U.S.C. 423 or the person has a physical, mental, or emotional impairment that: a) Is expected to be of long-continued and indefinite duration; b) Substantially impedes their ability to live independently; and c) Is of such a nature that the ability to live independently could be improved by more suitable living conditions.
2. ADA/FHA Definition of Disability (24 CFR Parts 8.3 and 100.201): In order to be considered disabled under this provision, the person must: a) Have a physical, mental, or emotional impairment that substantially limits one or more of the person's major life activities; b) Have a record of such an impairment; or c) Be regarded as having such an impairment.

A person with a disability, as defined under **Title II of the Americans with Disabilities Act (§ 35.108)**, 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, CMHA 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 CMHA's programs and services. If a person's disability is obvious, or otherwise known to CMHA, 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 CMHA, CMHA 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.

To be considered for a Reasonable Accommodation, verification forms available at CMHA offices as well as on the CMHA's website ([www.cmhanet.com](http://www.cmhanet.com)) must be filled out and returned to CMHA. If the individual with a disability is unable to submit their request in writing, CMHA will assist the individual in putting their request in written form. Participants should contact CMHA and their property owner or property manager about their reasonable accommodation needs.

When verifying a disability, CMHA 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 dependable third-party who is in a position to know about the individual's disability may provide verification of a disability.
- CMHA will request only information that is necessary to evaluate the disability-related need for the accommodation. CMHA will not inquire about the nature or extent of any disability.

## **3. TYPES OF REASONABLE ACCOMMODATION (24 CFR § 100.204)**

A person with a disability may require special accommodations in order to have equal access to the HCV Program. The reasonable accommodation must be linked (a nexus) to the applicant or participant family's disability(s). 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 CMHA 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, CMHA must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Conducting virtual recertifications
- Conducting telephone recertifications
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside of CMHA’s range) if CMHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
  - When an additional bedroom is requested for medical equipment, CMHA may request the following
    - An initial list of medical equipment including approximate physical dimensions and must be recertified at each annual reexamination
    - Biennial inspection to verify need for the additional bedroom for the medical equipment.
- 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 CMHA staff
- Displaying posters and other housing information in locations throughout the CMHA's office in such a manner as to be easily readable from a wheelchair

When determining whether a reasonable accommodation is required or not, CMHA may request a home visit completed at the discretion of the CMHA HCV Department.

Reasonable Accommodations will not be afforded to clients who are currently addicted to controlled substances and/or alcohol and are claiming disability solely because of that chemical dependency. Former alcohol and abusers who have been rehabilitated are eligible to receive a reasonable accommodation (24 CFR § 5.403).

HUD issued memorandums entitled “Medical Use of Marijuana in Public Housing” (September 24, 1999) and “Medical Marijuana Use in Public Housing and HCV Programs” (February 10, 2011) that mandated that all public housing authorities in states where medical marijuana is legalized adopt a policy prohibiting the use and possession of medical marijuana in public housing programs. As such, CMHA will not permit the use of medical marijuana as a reasonable accommodation.

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

Requests for accommodations must be assessed on a case-by-case basis, considering factors such as the cost of the requested accommodation, the financial resources of CMHA 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 ten business days. Response will come from CMHA's General Counsel.

Before deciding whether to approve or deny the request, 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 ten 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's 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, CMHA must inform all applicants of alternative forms of communication that can be used (24 CFR § 8.6; 28 CFR §§ 35.160-164; 28 CFR §§ 36.303).

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 CMHA 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 direct them to [affordablehousing.com](http://affordablehousing.com) where a list of any available accessible units known to CMHA will be posted.

In general, property owners must permit the family to make reasonable modifications to the unit. However, the property 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.  
(<http://cmhanet.com/Content/Documents/Language-Access-Plan.pdf>)

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, CMHA will contact its partner on translation services and have a translator join the appointment via telephone.

Any, appointments rescheduled because of the need for interpreter services will not be considered a missed appointment for possible termination. Staff requests for interpreting and translating services will be arranged by CMHA.

# 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. (24 CFR § 982.201: Eligibility and Targeting)

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 (24 CFR § 5.230; § 982.551(b); § 5.233)
- 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 (24 CFR § 5.903, 5.905) (CMHA will utilize Lexis Nexis to conduct background checks for applicants and participants)
- An applicant must furnish Declaration of Citizenship or Eligible Immigrant Status and verification where required.
- At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before CMHA may provide any financial assistance.

### A. FAMILY COMPOSITION

The applicant must qualify as a Family (24 CFR § 982.201(a)). A family may include but is not limited to the following regardless of actual or perceived sexual orientation, gender identity, or marital status:

#### 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 LIA.
  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;
    - Disabled 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.
  5. A displaced household
  6. The remaining family member of tenant family

### **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.

### **Spouse of Head**

(Use only for proper application of the Noncitizen Rule 24 CFR part 5, subpart E.) Spouse means the marriage partner of the head-of-household, who, in order to dissolve the relationship, would have to obtain a legal divorce. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads, although these family types are permitted to receive assistance if they otherwise qualify.

## **Co-Head**

An individual in the household that is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

## **Live-In Aides (LIA)**

A Family may include a LIA who (24 CFR § 5.403):

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

Additionally, LIA

- Cannot be a current member of the household, and
- Is subject to CMHA's screening criteria including a criminal background check.
- Income of the LIA will not be counted for purposes of determining eligibility or level of benefits.
- LIA are not subject to Non-Citizen Rule requirements.

Relatives are not automatically excluded from being LIA, but must meet the definition described above. Relatives looking to become a LIA must not have immediately lived in the unit where the LIA is requested. CMHA may seek to verify proof of previous residency prior to approving a relative as the LIA.

The child of a LIA is not entitled to an additional bedroom as the child is not needed to attend the elderly or disabled individual. LIA 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 LIA is "essential to the care and wellbeing of the elderly or disabled person," CMHA will send a third-party verification request to a dependable 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.

A LIA may only reside in the unit with the prior approval of CMHA. Written verification will be required from a dependable, knowledgeable professional, such as a doctor, social worker, or case

worker. The verification provider must certify that a LIA is essential for the care of the family member who is elderly, near-elderly (50-61) or disabled.

CMHA will approve a LIA if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a LIA for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter 1 of this administrative plan. Only one bedroom will be provided for a LIA. [24 CFR 982.316]

At any time, CMHA will refuse to approve a particular person as a LIA or may withdraw such approval if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits felony level drug-related criminal activity or felony level violent criminal activity three years prior to being added as a LIA.

The live-in-aide must attend all annual and special appointments and must show proof of residency at the subsidized unit after the first year of residency.

The head of household must report in writing, within 30 days, when the approved LIA is no longer residing in the unit. CMHA will immediately process an interim re-exam to remove the LIA. If the family fails to identify a new LIA, approvable by CMHA, the voucher size will be reduced at the next annual re-exam.

The LIA must be identified, determined eligible and added to the family composition. Only one bedroom will be provided for a LIA regardless of the number of family members. However, a LIA and family members must not exceed the HQS occupancy standards. In cases where the family of the LIA causes a violation of the HQS occupancy standard, the head-of-household will be notified that while they are approved for a LIA, they will need to seek another LIA or unit that does not cause the HQS violation of the occupancy standard.

## **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. (24 CFR 982.201(b))

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

- A “very low income” family (family income does not exceed 50 percent of the area median income, based on family size)
- Is “continuously assisted” under the 1937 Housing Act. CFR part 511;
- Is a low-income non-purchasing family residing in a development subject to home ownership under 24 CFR 248.173;

- Each low income family that is displaced as a result of the prepayment of the mortgage, or voluntary termination of an insurance contract, on eligible low income housing shall be subject to the availability of funds, be offered the opportunity to receive tenant-based assistance under the Housing Choice Voucher Program under 24 CFR 248.165; or,
- Is residing in a HUD-owned multi-family rental housing development when HUD sells, forecloses, or demolishes the development (Tenant Protection Vouchers).

“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. (24 CFR § 5.216(h)(1); 24 CFR § 982.551(b)(3))

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.

When a participant requests to add a new household member, who is at least 6 years of age or is under the age of six and has an SSA-assigned SSN, to the family, the participant must disclose the SSA-assigned SSN and provide the PHA with the documents referenced in Paragraph 6 of

this notice at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA shall not add the new household member to the family composition until the family provides such documentation. The PHA is not authorized to generate an ALT ID for the affected household member. When a participant requests to add a new household member, who is under the age of six and does not have an SSA-assigned SSN, the participant must disclose the SSA-assigned SSN and provide the PHA with the documents referenced in Paragraph 6 of this notice within 90 calendar days of the child being added to the household. If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, only if the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. The child is to be included as part of the assisted household and is entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA is required to generate an ALT ID as referenced in Paragraph 10 of this notice. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA must terminate the entire family's tenancy or assistance, or both.

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

1. The family must have paid any outstanding debt owed to 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 to be considered eligible for admission. CMHA will consider repayment agreements on a case-by-case situation to determine eligibility.
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 (24 CFR § 5.905(a)(1); PIH Notice 2012-28)
  - CMHA will check sex offender status in the State of Ohio and nationwide via a nationwide database like nsopw.org;
  - All proposed family members must provide a list of all states which they have resided and if their name appears on any lifetime sex offender registry or

5. The family, including any family member listed on the application, must not have been convicted or pled guilty to felony **drug-related criminal activity** or felony **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. (24 CFR 5.903(b)(1)). All adult family members are required to give written authorization for CMHA to obtain criminal conviction records from law enforcement agencies. Strict confidentiality policies must be followed by CMHA regarding criminal records, including sex offender results and must not be shared externally (24 CFR 5.905(b)(4)). As such, criminal records must not be retained and are to be destroyed by CMHA after screening is complete (24 CFR 5.905(c)(1)(iii); 5.903(g)(3)). Only a record of such screenings will be retained as a part of the family's file (24 CFR 982.158(f)).

**Felony 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.

**Felony violent criminal activity includes:**

1. Any criminal activity that has one of its elements use, attempted use, or threatened use of physical force substantial enough to cause, or be 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, 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 property owner references and makes no guarantee of the suitability of the applicant family as a tenant. Screening the family for tenancy is the sole responsibility of the property owner.

CMHA will not screen family behavior or suitability for tenancy. CMHA will not be liable or responsible to the property owner or other persons for the family's behavior or the family's conduct in tenancy.

The property owner is responsible for screening and selection of the family to occupy the property owner's unit. At or before CMHA's approval of the tenancy, CMHA will inform the property owner that screening and selection for tenancy is the responsibility of the property owner. The property owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

## **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 (24 CFR 5 (E))**

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 (24 CFR 5.506(a)). At least one family member must be a citizen, national, or noncitizen with eligible immigration status 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 LIA, 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 claim their status. However, HUD regulations permit CMHA 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 CMHA 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 member 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 (24 CFR 5.522; 42 USC 1436a(c)(2)(A)). 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 (24 CFR § 5.518)**

A family is eligible for assistance if 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 (24 CFR § 5.512(c)).

## **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 CMHA 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 (24 CFR § 5.512(d)(3); § 5.514(d)) 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 CMHA. 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 (24 CFR 5.612):

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.). Disabled or other disadvantaged persons without Internet access or requiring special accommodations may contact the CMHA offices at 614-421-6000.

### 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. 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**

New Preliminary Applications will then be assigned a Lottery Number. 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.

CMHA will maintain site-based wait lists at each of its Standard PBV properties as well as its RAD PBV properties. CMHA's PBV/RAD PBV property portfolio is listed below (as of the effective date of the Administrative Plan) and is subject to change due to acquisition, disposition, and RAD conversion of former Public Housing sites.

1. Avondale Senior: 5216 Avery Road, Dublin, OH 43016 (SENIOR)
2. Country Ridge Apartments: 5656 Farmhouse Ln. Hilliard, Ohio 43026
3. Crosswinds Apartments: 1600 Belvoir Blvd. Columbus, OH 43228
4. Eastmoor Square: 59 Alexander Place, Columbus, OH 43213-1102
5. Elim Manor: 3180 Elim Manor Court, Columbus, OH (SENIOR)
6. Glenview Estates: 4625 Grovedale Court, Columbus, OH 43231-5860
7. Indian Meadows: 4050 Southpointe Boulevard, Columbus, OH 43207-4021
8. Jenkins Terrace: 1100 East Broad Street, Columbus, OH 43205-1383 (SENIOR)
9. Legacy Pointe at Poindexter: 1245 Mount Vernon Ave, Columbus, OH 43203
10. Maplewood Heights: 91 Maplewood Avenue, Columbus, OH 43213 (SENIOR)
11. New Village Place: 138 Verde Alley, Columbus, OH 43201
12. Ohio Townhouses: 2775 Brentnell Avenue, Columbus, OH 43211-1711
13. Poindexter Place: 211 N Champion Avenue, Columbus, OH 43203 (SENIOR)
14. Post Oak Station I & II: 1383 Vida Way Columbus, OH 43228 (Pending RAD Conversion)
15. Rosewind: 1400 Brooks Ave, Columbus, OH 43211
16. Sawyer Manor/Trevitt Heights: 940 Caldwell Place, Columbus, OH 43203-1089
17. Scholar House I/II/III: 84 North 17<sup>th</sup> Street, Columbus, OH 43203 (SPECIALIZED)
18. Sugar Grove Square: 530 South State Street, Westerville, OH 43081 (SENIOR)
19. The Meadows: 4855 Pintail Creek Dr. Canal Winchester 43110 (Pending RAD Conversion)
20. Waggoner Rd/Chestnut Grove: 831 Acorn Grove Dr. Blacklick, OH 43004
21. Winchester Lakes Apartments: 6655 Kodiak Dr. Canal Winchester 43110
22. Worley Terrace: 99 South Central Ave, Columbus, OH 43222-1057 (SENIOR)

### **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. To meet its objectives in serving disabled 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**

In accordance with 24 CFR § 982.201, 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:

1. Preliminary Applications
2. Lottery Pool Placements
3. Wait List Drawing (Lottery)
4. Submission of a Full Application

### **A. Preliminary Applications**

CMHA must maintain information that permits the CMHA to select participants from the waiting list in accordance with CMHA admission policies. CMHA must collect the following information for each applicant to the wait list (24 CFR §982.204(b)):

1. Applicant name;
2. Family unit size (number of bedrooms for which family qualifies under CMHA occupancy standards);
3. Date and time of application;
4. Qualification for any local preference;
5. Racial or ethnic designation of the head of household.

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. Beyond the information requested above, CMHA will also collect the following information:

- 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;
- Information related to selection preferences and criminal history, if any; and,
- Email address

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).

If after two years in the Lottery Pool without being drawn and placed on the wait list, the applicant must log into the system to have their application be reactivated. All applications – new or updated - in the Lottery Pool, no matter when submitted, will have a chance of being drawn in the Lottery. Failure to submit updated information will result in being withdrawn from the Lottery Pool.

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

CMHA will draw names from the Lottery Pool as funding 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 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 funding 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 ten 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 the family has violated program violations.
- If a member of the family has been evicted from any federally assisted housing within the past five 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 (lifetime 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 (lifetime ban).
- If a family member is subject to lifetime registration as a sexual offender at any time (lifetime 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 a property 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 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 lifetime sexual offender status, this section shall not apply to admission to the Continuum of Care Program. CMHA does not select participants for the Continuum of Care Program but does screen them for HCV program eligibility.

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

Applicants who are denied eligibility for an 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 ten calendar days from the date of the notification. Informal reviews shall be conducted in accordance with Chapter 16 of this Plan.

CMHA's decision to withdraw the name of an applicant family that includes a person with disabilities from the wait list 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.

## **12. EMERGENCY CONTACT**

Each family must be given the opportunity to provide an emergency contact to CMHA (Section 644 of the Housing and Community Development Act of 1992). This information can be (but is not required) provided while filling out the HUD-92006, Supplement to Application for Federally Assisted Housing. The family can decline to provide this information.

## **13. SPECIAL ADMISSIONS**

If HUD awards program funding that is targeted for specifically named families, CMHA will admit these families under a Special Admission procedure.

The following are examples of several types of program funding that may be designated by HUD for families living in a specified unit type:

- A family displaced because of demolition or disposition of a Public or Indian Housing limited-income housing development;
- A family residing in a multifamily rental housing development when HUD sells, forecloses, or demolishes the development;
- For housing covered by the Low-Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a limited-income housing development covered by a project-based HAP contract at or near the end of the HAP contract term or the property owner opts-out or pre-pays;

Applicants, who are admitted under Special Admissions, rather than from the waiting list, are identified by codes in the automated system and are not maintained on separate lists.

## **14. OTHER ADMISSIONS**

**Relocating Residents of Agency Owned Subsidized Properties:** When HUD does not award special funding for residents of Agency owned subsidized properties relocating because of renovation, demolition, or disposition, or in the event of a Rental Assistance Demonstration (RAD) program conversion, relocating residents may be offered Housing Choice Vouchers. When this occurs, the waiting list will be opened in accordance with the requirements enumerated in Chapter 3. With respect to residents relocating in connection with a RAD Conversion, the offer or issuance of Housing Choice Vouchers shall also be done in accordance

with the provisions of PIH Notice 2012-32, REV-2 and PIH Notice 2016-17, as such requirements may be amended.

**Relocating CMHA Public Housing residents displaced by domestic violence, dating violence, sexual assault, or stalking:** When a public housing resident is verified to be a victim entitled to VAWA protections, the resident may opt to receive a voucher rather than an emergency transfer to a different Public Housing Estate. In cases where the perpetrator of the abuse is considered particularly dangerous, and/or the victim has not identified any Public Housing Estate where they feel safe, the Voucher Program will permit the family to apply to the tenant-based waiting list to move to another location which may be safer for the family, if there are vouchers available.

**Relocating CMHA Project-Based residents displaced by domestic violence, dating violence, sexual assault, or stalking:** When a Project-Based resident who has not resided in the unit for one year is verified to be a victim entitled to VAWA protections, the resident may opt to receive a voucher. The Voucher Program will permit the family to apply to the tenant-based waiting list to move to another location which may be safer for the family if there are vouchers available.

**Victims of Governmentally Declared Natural Disasters:** CMHA may open its waiting list for victims of governmentally declared natural disasters. CMHA will announce the opening of the waiting list for victims of governmentally declared natural disasters in accordance with the requirements enumerated in Chapter 3. With proper documentation, families who are victims of a governmentally declared natural disaster are eligible to be added to the waiting list. Governmentally declared natural disasters include, but are not limited to floods, tornadoes, hurricanes, earthquakes, and tsunamis. Proper documentation includes but is not limited to written statements from disaster relief agencies such as Federal, State, or local Emergency Management Agencies, the Red Cross and other Federal, State, or local agencies either within or outside the jurisdiction where the governmentally declared natural disaster occurred.

**Veterans Affairs Supportive Housing (VASH):** VASH combines Housing Choice Voucher rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). The VA. makes referrals for VASH applicants in addition to Tenant-Based vouchers, Project-Based vouchers are offered.

**Family Unification Program (FUP):** The Family Unification Program (FUP) is a program under which tenant based Housing Choice Vouchers are provided to families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child or children in out-of-home care, or the delay in the discharge of the child or children to the family from out-of-home care and youth at least 18 years old and not more than 24 years old who left foster care at age 16 or older and are homeless and lack adequate housing.

CMHA administers the FUP in partnership with local social services providers who are responsible for referring FUP families and youths to the CMHA for determination of eligibility for rental assistance. Once the referral is made, HCV places the FUP applicant on its waiting list, determines whether the family or youth meets HCV program eligibility requirements, and conducts all other processes relating to voucher issuance and administration.

**Rental Assistance Demonstration (RAD) Choice Mobility Admissions:** In accordance HUD RAD PBRA requirements, CMHA seeks to provide residents with viable mobility options. CMHA will provide residents of RAD Developments with a choice-mobility option in accordance with the following: 1. Resident Eligibility: Under the RAD PBRA provisions, Residents will have a right to move with HCVP tenant-based rental assistance the later of (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date. 2. Voucher Inventory Turnover Cap: Recognizing the limitation on availability of turnover vouchers from year to year, CMHA will not in any one year, provide more than one-third of its turnover vouchers to the residents of RAD PBRA Developments. 3. Development Turnover Cap: Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interest of the property, in any year, CMHA may limit the number of Choice-Mobility moves exercised by eligible households to 15 percent of the assisted units in the RAD Development. CMHA will maintain a waiting list in the order in which the requests from eligible households were received. Transfers will have preference in accordance with the above caps. Families will be issued vouchers in a ratio of up to ten requests pulled per 100 families drawn from the HCV Tenant Based wait list.

**Project-Based Voucher to Tenant Based Voucher Admissions:** Requests from eligible PBV residents to receive a tenant-based voucher will be maintained according to date and time of voucher request from eligible households. Families will be issued vouchers in a ratio of up to ten requests pulled per 100 families drawn from the HCV Tenant Based wait list.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 5: ADMISSION PREFERENCES**

To fulfill its mission of providing rental housing subsidies to persons and families in need of assistance, CMHA has established several 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 (24 CFR § 982.201(b)(2))**

**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.) Furthermore, 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 non-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 two 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, 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 govern 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 Points

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

1. Families with two 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 30 Points**

**G. Supportive Service Provider referrals 30 Points**

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

**I. Non-Elderly Disabled (NED) Eligible 30 Points**

**J. Mainstream Eligible 30 Points**

**K. Family Unification Program 30 Points**

**L. Emergency Housing Vouchers 30 Points**

**M. CMHA Acquisitions and Dispositions 30 Points**

**N. CMHA Partnerships 30 Points**

**Footnotes to F through N**

- Applicants receiving 30 points under admission preferences F, G, H, I, J, K, L, M and N 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.
- Category F, project-based voucher program referrals, are CMHA contractual obligations and are limited to the number of project-based vouchers under HAP contract.
- Category G, supportive service provider referrals, are CMHA obligations based upon agreements with sponsor organizations and any limitations are subject to the discretion of the President and CEO.
- Category M, an executed Purchase and Sale agreement between CMHA and another entity is a qualifying event to determine if a property is being acquired or disposed of.
- Category N, CMHA will allocate no more than 50 vouchers for CMHA partnerships that are connected to housing homeless households or other agreed upon special populations. CMHA in conjunction with partners may develop housing initiatives

**that receive a local preference. These housing initiatives are targeted for specifically named households and may be based on CMHA and partner priorities or HUD targeted funding. In addition, these housing initiatives may include a defined number of Housing Choice Vouchers that will be allocated to households meeting specific described criteria.**

#### **4. SPECIAL PROGRAM CONVERSION TO TENANT-BASED VOUCHERS**

**From time to time, CMHA participates in special voucher programs sponsored by HUD and various other entities. Examples include but are not limited to the Family Unification Program; the Mainstream Voucher Program; the Veterans Assistance Housing Program; and the Foster Youth Initiative program. Based on the nature of the program, the possibility exists that funding sources may end, the term of the program may expire, or a person may age out of one of the programs. To prevent participants in such HUD and other programs from becoming homeless because of the termination of such a program as described above, any such participant at risk of becoming homeless as described shall be entitled to the issuance of a tenant-based voucher, should such participant meet the income and other qualifications for the tenant-based Housing Choice Voucher program.**

# COLUMBUS METROPOLITAN HOUSING AUTHORITY

## CHAPTER 6: DETERMINATION OF VOUCHER SIZE (24 CFR 982.402)

### 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 HCV Program.

The unit size assigned is designed to avoid overcrowding and serves as the basis for determining maximum rent that can be paid to a property owner for the unit selected by the family.

The 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 two persons per living/sleeping room and would permit the following occupancy conditions, assuming that a living room qualifies as a living/sleeping area:

Bedroom Size	Min. # of Persons in HH	Max # of Persons in HH
0-BR	1	2
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 (five years or greater);
- A single head of household shall not be required to share a bedroom with his/her children; and,
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family. (24 CFR § 982.402(b)(5))
- Head of household and spouse/co-head shall occupy the same bedroom.

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.

Extraordinary 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, or the voucher size issued.
- CMHA, at the discretion of the President/CEO, may deviate from the occupancy standards set forth in Section A above for Project-Based Voucher Contracts serving special populations when necessary to achieve supportive housing goals for those populations and for other demonstrated needs as may be necessary for a particular contract. Such deviation must be requested through the submission of a Tenant Selection Plan or its equivalent and approved by CMHA. CMHA's approval of such request must also be in writing and appended to the Contract.

## **C. DOCUMENTATION**

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

## **D. CONTINUED OCCUPANCY**

**When CMHA issues a participant a voucher we are establishing a voucher size for the participant prior to submission of a unit. If a participant has a change in family composition after move-in to that unit, that will result in a decrease in voucher size, CMHA**

**will not require the participant to move to a unit that they would be eligible for under the new occupancy standards associated with the household if they were issued a voucher.**

# **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 property owner and the amount of the rent payment made by CMHA to the property owner. 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 I: 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 II: 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 III: 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 (24 CFR 5.609)**

#### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the property owner and the amount of the rent payment by CMHA to the property owner. 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:

## Summary of Income Included and Excluded by Person

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, co-head, or 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 (including high school students) 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 (24 CFR 982.312)

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

Families must notify CMHA in writing within ten 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 CMHA will initiate termination proceedings 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 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.

**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 Property owner 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. (24 CFR § 5.403)

**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 voucher. 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. Children who are subject to a joint custody and shared parenting agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

If the custody agreement or shared parenting agreement does not identify the residential parent and there is no other document from the court or a social service agency that stipulates who is the residential parent, then CMHA will request documentation to determine if the child (children) should be added to the voucher. For this purpose, the parent who has custody for school purposes will be considered the residential parent by CMHA.

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 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 \$10/hour will begin to receive \$10.25/hour in the eighth week after the effective date of the reexamination. In such a case CMHA would calculate annual income as follows: ( $\$10/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}$ ) + ( $\$10.25 \times 40 \text{ hours} \times 45 \text{ weeks}$ ).

#### **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 mandated (24 CFR § 5.233) to be 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.

**2. Streamlined Income Determination for Fixed Income Sources (PIH Notice 2016-05)**

Per 24 CFR § 982.516 (b), for clients that are recipients of where 90% or more of a family’s unadjusted income comes from fixed income sources may obtain third party verification of these fixed sources of income triennially or every three years. Streamlined income determinations must apply. Adjustments to a family’s fixed income using a COLA or current interest rate that applies to each specific source of fixed income. This information will be available from a public source or through tenant-provided, third-party generated documentation. If no public verification or tenant-provided verification is available, then the property owner must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

Fixed income is defined as periodic payments at predictable levels from one or more of the following sources:

- Social Security
- Supplemental Security Income (SSI)
- Supplemental Disability Income (SDI)
- Federal, State, Local or private pension plans
- Annuities or other retirement benefit
- Any other source of income subject to adjustment by verified COLA or current rate of interest.

CMHA will notate in the client file how a source of income was determined to be fixed. CMHA will verify any remaining non-fixed income using third-party verification annually.

**CMHA Initial Adoption of Streamlined Income Determinations Reexamination Timeline**

Year 1	CMHA completes an annual reexamination with a full income determination (including third-party verification) of all income sources
Years 2 & 3	CMHA completes an annual reexamination with the following streamlined income determination for each type of source: <ul style="list-style-type: none"> <li>- Fixed Income- Applies inflation adjustment factor; does not collect third-party verification</li> </ul>

	<ul style="list-style-type: none"> <li>- Non-Fixed Income- CMHA can either adjust or use previous year's calculation. CMHA is still responsible for reviewing and following up on discrepancies regarding income sources in EIV.</li> <li>- Assets and Deductions- Completes verification and calculation of assets and deductions.</li> </ul>
Year 4	Cycle begins again. CMHA completes an annual reexamination with a full income determination (including third-party verification) of all income sources, assets, and deductions.

CMHA is still required to follow-up on any discrepancies or new sources of income reported in the EIV system. All income sources must be fully reverified and recalculated every 3 years.

#### **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. Military Pay**

All regular pay, special pay, and allowances of a member of the Armed Forces who is a household member is counted except for the special pay to a family member serving in the Armed Forces who are 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 (does not establish a pattern) and cannot be reliably predicted. For example, the income of an individual who works occasionally as a repair person 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 a property owner, on a part-time basis, which enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No 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 lifetime 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, childcare, 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 of 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 from that 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. PIH 2016-01.

## **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 assistance paid under 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 regular monetary and nonmonetary contributions and gifts from persons not residing with an assisted family as income. 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 three 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 7.1-15 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.

#### **HHS DEFINITION OF "ASSISTANCE"**

#### **45 CFR Part 260: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

##### **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 childcare 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 childcare 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, childcare 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 II. DEDUCTIONS AND ADJUSTMENTS TO INCOME DETERMINATIONS**

A family's income determines eligibility for assistance, the amount of the family rent payment to the property owner and the amount of the rent payment by CMHA to the property owner. 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 II describes deductions and adjustments to income.

#### **A. INTRODUCTION**

##### **1. Overview**

HUD regulations (24 CFR 5.611) 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 childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

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

##### **2. Determination of Anticipated Expenses**

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., childcare 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 [24 CFR 5.609 (a)(2), 5.603]**

The medical expense deduction is permitted only for families in which the **head, spouse, or cohead 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>	
Services of medical professionals	Substance abuse treatment programs
Surgery and medical procedures that are necessary, legal, non-cosmetic	Psychiatric treatment
Services of medical facilities	Ambulance services and some costs of transportation related to medical expenses

<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 wheelchair, handrails)</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 (24 CFR 5.617)

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**

Eligible auxiliary apparatuses are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable, for example, a blind person to read or type, but are only eligible 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 are not eligible attendant care expenses. 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. CHILDCARE EXPENSE DEDUCTION (24 CFR 5.603)**

Childcare 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 childcare.

To establish the reasonableness of childcare costs, CMHA will use the schedule of childcare 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 childcare 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 Childcare for This Deduction**

Childcare 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 childcare expenses for foster children that are living in the assisted family's household are included when determining the family's childcare expenses. Childcare 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 childcare 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 childcare 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 childcare expense being allowed by CMHA.

### **4. Furthering Education**

If the childcare 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 childcare 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 childcare 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 childcare 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 will limit allowable childcare expenses to the earned income of the lowest paid member.

### **6. Earned Income Limits and Caps on Childcare 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 childcare – although the care must still be necessary and reasonable. However, when childcare 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, childcare 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, childcare 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 Childcare 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 childcare.

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

If a childcare provider also renders other services to a family or childcare 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 childcare 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 childcare 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, childcare, 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 modest amount (not to exceed \$200 per month) received by a resident for performing a service for CMHA or property owner, on a part-time basis, which enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, 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); 7.2-9
- (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 7.2-10 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 childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Childcare 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**

## **CHAPTER 7: INCOME AND PAYMENT DETERMINATIONS**

### **PART III. CALCULATING FAMILY SHARE OF RENT AND CMHA PAYMENT**

#### **INTRODUCTION**

A family's income determines eligibility for assistance, the amount of the family rent payment to the property owner and the amount of the rent payment by CMHA to the property owner. 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 III 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.

#### **A. OVERVIEW OF RENT AND PAYMENT CALCULATIONS**

##### **1. Total Tenant Payment (TTP) Formula [24 CFR 5.628]**

TTP is the tenant portion/share of the rent paid to the property owner and is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Chapter 7 Part II)
- Ten percent of the family's monthly gross income (annual income, as defined in Chapter 7 Part I divided by 12).
- The welfare rent
- A minimum rent of \$0 established by CMHA as authorized by HUD regulations. (24 CFR 5.630)

CMHA has established the minimum rent at \$0 when a financial hardship is clearly demonstrated. A hardship is defined as a TTP of \$50 or less. Participant households who experience a decrease in household income and request an interim resulting in a TTP less than \$50 will automatically have the minimum rent applied. CMHA will consider the hardship long-term and will review the household's financial situation at the next annual recertification. If it is determined that the household failed to report income as required by the family obligations, CMHA may conduct a special review of the family's income and CMHA may also assess a retro-charge for any unreported income that is identified.

##### **2. Family Share of Rent**

The amount that a family pays for rent and utilities (the family share) will never be less than the family's calculated TTP but may be greater if a family chooses a unit with a gross rent (total rent to property owner plus an allowance for tenant-paid utilities) that exceeds CMHA's applicable payment standard (see Chapter 14). However, if the family will pay more than the calculated TTP, CMHA may not approve the tenancy at initial occupancy if it would require the family

share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued (see Chapter 8).

### **3. CMHA Housing Assistance Payment**

CMHA will pay to the family's property owner a monthly housing assistance payment (HAP) equal to the lower of (1) the applicable payment standard for the unit minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

### **4. Utility Allowance Payment**

If the family pays for some or all utilities, the family is entitled to a Utility Allowance (see Chapter 13). The Utility Allowance payment is the difference between the amount of the Utility Allowance for the unit and the Total Tenant Payment.

## **C. APPLYING PAYMENT STANDARDS**

### **1. Overview**

CMHA's schedule of payment standards is used to calculate housing assistance payments for HCV families. 24 CFR 982.4 defines Payment Standards as the maximum monthly assistance payment for a family in the voucher program (before deducting the total tenant payment [TTP] by the family). The payment standard for a family is the lower of (1) the payment standard for the family voucher size, which is defined as the appropriate number of bedrooms for the family under CMHA's payment standards or (2) the payment standard for the size of the dwelling unit rented by the family.

CMHA is required to pay on behalf of the family a monthly housing assistance payment (HAP) to the property owner that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. If during the term of the HAP contract for a family's unit, the property owner lowers the rent, CMHA will recalculate the property owner's HAP.

If the unit is located in an exception area, CMHA will use the appropriate payment standard for that exception area. This is only applicable if CMHA has designated part of a FMR area in accordance with 24 CFR 982.503 which requires HUD approval (24 CFR 982.505(c)(2)). In this circumstance, CMHA can set the payment standard for that particular to be higher or lower than the base FMR for Franklin County (OH).

### **2. Changes in Payment Standards**

If Payment Standards (see Chapter 14) are decreased or increased during the annual term of the HAP contract, the revised payment standard will be used to calculate the monthly

housing assistance payment to the landlord and the family portion of the rent at the time of the family's first regular reexamination on or after the effective date of the revision to the payment standard. The effective date of any changes to the HAP or the TTP will be on the anniversary date of the HAP and Initial Lease. If the FMR increases, the PHA is required to be sure that the payment standards for each unit size are at least 90 percent of the new FMR. Similarly, if the FMR decreases, the PHA is required to be sure that the payment standards are not more than 110 percent of the new FMR (24 CFR 982.503(b)). CMHA must review its payment standards in accordance with its policy to determine whether adjustments are needed for some or all unit sizes and must review and establish its payment standards when the new FMRs are published by HUD within three months of publication to ensure the payment standards fall within the basic range of 90 percent to 110 percent of the new FMRs.

### 3. Reasonable Accommodation

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, CMHA is allowed to establish a higher payment standard up to 120% of the Fair Market Rent established by HUD (24 CFR 982.503 (b)(1)(v)).

If a payment standard higher than 120 percent of the FMR for the unit size is necessary as a reasonable accommodation (24 CFR 982.517(e)), CMHA must (24 CFR § 982.503(b)(1)(vi)) request HUD Headquarters approval of an exception payment standard for the unit.

When HUD's approval is required, the PHA is required to provide the following documentation to HUD:

- Whether the family is an applicant or participant family;
- Number of household members including a live-in aide(s);
- Family unit size (voucher bedroom size) the family is issued under CMHA's subsidy standards or any exception to those standards granted through a reasonable accommodation request (e.g., as a reasonable accommodation, a single-person family may be issued a two-bedroom voucher due to a need to store medical equipment);
- The FMR for the smaller of the voucher bedroom size or actual unit size;
- When either the disability or the need for the requested accommodation is not known or readily apparent, a statement from a health care provider regarding the need for the reasonable accommodation and the features of the unit (which may include its location) which meet that person's needs;
- Contract rent and utility allowance for the accessible unit;
- A statement from CMHA that it has determined that the rent for the unit is reasonable, and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider where such a statement is necessary;
- The family's monthly adjusted income; and
- Proposed effective date of the new lease or actual effective date of the lease renewal.

CMHA has the regulatory flexibility to grant an exception to their established subsidy standards if CMHA determines that the exception is justified by age, sex, health, disability, or relationship of family members or other personal circumstances 24 CFR § 982.402(b)(8)). Therefore, when CMHA submits a request for an exception payment standard above the 120 percent threshold, the bedroom size on the voucher issued by CMHA should be the same size as the unit size which requires the exception payment standard. For example, if CMHA issues the family a 2-bedroom voucher, the request for the exception standard must also be a 2-bedroom unit. Conversely, if CMHA issued the family a 2-bedroom voucher and the request for an exception payment standard as a reasonable accommodation is for a 3-bedroom voucher, the request will be denied because CMHA has the flexibility it needs under the current regulatory structure to meet the family's reasonable accommodation needs.

#### **D. APPLYING UTILITY ALLOWANCES (24 CFR 982.517)**

1. A CMHA established utility allowance schedule is used in determining the family portion of rent and CMHA Payment to the property owner (see Chapter 13). CMHA will use the appropriate utility allowance for the size of dwelling unit actually leased by a family rather than the voucher unit size for which the family qualifies using CMHA Payment standards.
2. Revised utility allowances will be applied to a family's rent and Payment calculations at the first annual reexamination after the effective date.
3. HCV program regulations require CMHA to approve a utility allowance amount higher than shown on CMHA's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. The family must request the higher allowance and provide CMHA with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required.

#### **E. PRORATED ASSISTANCE FOR MIXED FAMILIES**

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. CMHA must prorate the assistance provided to a mixed family. CMHA will first determine assistance as if all family members were eligible and then prorate the HAP assistance based upon the percentage of family members that actually are eligible. For example, if the CMHA Payment to the property owner for a family is calculated at \$500 and two of four family members are ineligible, the CMHA Payment would be reduced to \$250, and the family would be responsible for an additional \$250 payment to the property owner if they desire to lease the unit.

#### **F. INCOME DETERMINATION FOR SCHOOL EMPLOYEES**

Income for HCV program participants who are employed by school districts and work based on the school year must provide a statement from the employer confirming that the family member works at least 39 weeks at 40 hours per week.

#### **G. THE EFFECT OF REDUCTIONS IN WELFARE BENEFITS**

## **1. Applicability**

This section applies to HCV assisted families whose benefits from any source are reduced because of fraud or for failure to comply with the obligation to participate in an economic self-sufficiency program required as a condition for receipt of benefits. In calculating the tenant portion of rent, CMHA must treat these reductions as “imputed welfare income,” and include the pre-reduction amount of welfare income which is the amount of benefits not actually received by a family member as a result of a reduction. CMHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

## **2. Applicable Reductions**

A reduction of welfare benefits by the welfare agency because of fraud by a family member in connection with the welfare program or because of a sanction against a family member for noncompliance with a requirement to participate in an economic self-sufficiency program will be treated as imputed income in the determination of rent to be paid by the family.

Reductions do not include:

- Expiration of a lifetime or other time limit on the payment of welfare benefits;
- inability of the family member to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activity requirements; or
- Non-compliance with other welfare agency requirements.

## **3. Appeals**

After receiving notice of the imputed welfare income amount, the family may request an informal hearing to review CMHA’s determination (see Chapter 19 Section C for appeal procedures).

## **4. Obtaining Information from The Welfare Agency**

As needed at any examination of family income, CMHA will obtain information from welfare agencies regarding welfare benefit reductions, the reason for such reduction, and the term of the reduction. CMHA will use the welfare agency’s determination of the reason, term, and amount of the reduction in calculating annual income. If the family disagrees with the welfare agency’s determination, the family must appeal the determination through the welfare agency’s normal due process procedures.

## **EXHIBIT 7-3: TREATMENT OF INCOME FROM FAMILY ASSETS**

### **Definition of Net Family Assets (24 CFR 5.603(b))**

(1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land, and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(2) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

(3) In determining net family assets, CMHA shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received, therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

### **1. Income from Assets**

CMHA will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, 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 12 months; or
- 3) CMHA believes that past income is the best indicator of anticipated income.

For example, if a family member owns real property that typically receives rental income, but the property is currently vacant, CMHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

Anytime current circumstances are not used to determine asset income, the reason for the decision will be documented in the file. In such cases the family may present information and documentation to CMHA to show why the asset income determination does not represent the family's anticipated asset income.

### **2. Valuing Assets**

The calculation of asset income sometimes requires CMHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable costs that would be incurred when converting the asset to cash.

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

### **3. Lump-Sum Receipts (24 CFR 5.609)**

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account). For a discussion of lump-sum payments that represent the delayed start of a periodic payment, see Chapter 7-1, Section J – Periodic Payments.

### **4. Imputing Income from Assets**

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.

### **5. Determining Actual Anticipated Income from Assets**

It may not be necessary for CMHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the amount on deposit of the account by the interest rate on the account.

### **6. Withdrawal of Cash or Liquidation of Investments**

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is

not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

## **7. Jointly Owned Assets**

This type of annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.

If an asset is owned by more than one person and each family member has unrestricted access to the asset, CMHA will count the full value of the asset in projecting asset income. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other property owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, CMHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, CMHA will prorate the asset evenly among all property owners.

## **8. Assets Disposed of for Less than Fair Market Value (24 CFR 5.603)**

### **a. Two-Year Rule**

HUD regulations require CMHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination. However, CMHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual re-certifications, the family may request an interim recertification to eliminate consideration of the asset.

### **b. Trusts**

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

### **c. Separation or Divorce**

Assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to

qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

#### **d. Family Declaration**

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. CMHA may verify the value of the assets disposed of if other information available to CMHA does not appear to agree with the information reported by the family.

### **I. TYPES OF ASSETS**

#### **1. Checking and Savings Accounts**

For regular checking accounts and savings accounts, cash value has the same meaning as market value.

- In determining the cash value of a savings account, CMHA will use the current balance.
- In determining the cash value of a checking account, CMHA will use the average monthly balance for the last six months.
- In determining the anticipated income from an interest-bearing checking or savings account, CMHA will multiply the cash value of the account by the current rate of interest paid on the account. If a checking account does not bear interest, the anticipated income from the account is zero. If the total value of all assets exceeds \$5000 the asset income will be the higher of either the total actual interest income for all accounts or the total asset income based on the imputed interest rate applied to all accounts.

#### **2. Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds**

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, CMHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not

known (e.g., stocks), CMHA will calculate asset income based on the earnings for the most recent reporting period.

### **3. Equity in Real Property or Other Capital Investments**

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- Equity accounts in HUD homeownership programs.
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option after the first 10 years from the purchase date of the home.
- Equity in property owner-occupied cooperatives and manufactured homes in which the family lives.
- Equity in real property when a family member's main occupation is real estate. This real estate is considered a business asset, and income related to this asset will be calculated as described in Part 1 of Chapter 7.
- Interests in Indian Trust lands.
- Real property and capital assets that are part of an active business or farming operation.

A family may have real property as an asset in two ways:

- (1) By owning the property itself, or
- (2) By holding a mortgage or deed of trust on the property.

In the case of a property owned by a family member, the anticipated asset income will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless CMHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

### **4. Trusts**

A trust is a legal arrangement regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries). There are two types of trusts:

- **Revocable Trusts**--If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.
- **Non-revocable Trusts**--In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate.

## **5. Retirement Accounts**

There are several types of accounts to consider:

- **Company Retirement/Pension Accounts**--In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, CMHA must know whether the money is accessible before retirement.

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate, except to the extent that it represents funds invested in the account by the family member.

- **IRA, Keogh, and Similar Retirement Savings Accounts**—are counted as assets even though early withdrawal would result in a penalty.

## **6. Personal Property**

Personal property such as gems, jewelry, coin collections, antique cars, etc., held as an investment is considered an asset.

In determining the value of personal property held as an investment, CMHA will use the family's estimate of the value. However, CMHA also may obtain an appraisal to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets. Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

## **7. Life Insurance**

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

## **EXHIBIT 7-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES**

### **Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.**

*(a) Applicable programs.* The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

*(b) Definitions.* The following definitions apply for purposes of this section. **Disallowance.** Exclusion from annual income. Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. **Qualified family.** A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities and who received TANF benefits in the six months prior to employment. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over that six-month period is at least \$500.

*(c) Disallowance of increase in annual income—*

(1) **Initial twelve-month exclusion.** During the cumulative twelve-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, CMHA must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) **Second twelve-month exclusion and phase-in.** During the second cumulative twelve-month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) **Per PIH Notice 2016-05(HA), the maximum two-year disallowance.** The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) is limited to a lifetime 24-month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (c)(1) and a maximum of

twelve months for disallowance under paragraph (c)(2), during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

**(d) Inapplicability to admission.** The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable)

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 8: VERIFICATIONS OF INFORMATION [24 CFR Part 5, Subparts B, D, E and F; 24 CFR 982.158; 24 CFR 5.617]**

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.

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**

Each family member must supply any information that CMHA determines is necessary to the administration of the program and must consent to CMHA verification of that information (24 CFR § 5.230). 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. 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) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)</b>	<b>Highest (Mandatory)</b>
<b>5</b>	<b>Upfront Income Verification (UIV) using non-HUD system</b>	<b>Highest (Optional)</b>
<b>4</b>	<b>Written Third-Party Verification</b>	<b>High (Mandatory to supplement EIV-reported income sources and when EIV has no data;</b>

		<b>Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute)</b>
<b>3</b>	<b>Written Third-Party Verification Form</b>	<b>Medium-Low (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>
<b>2</b>	<b>Oral Third-Party Verification</b>	<b>Low (Mandatory if written third party verification is not available)</b>
<b>1</b>	<b>Tenant Declaration</b>	<b>Low (Use as a last resort when unable to obtain any type of third-party verification)</b>

## **2. Requirements for Acceptable Documents**

Any documents used for verification must be the original (not photocopies) and must be dated within 60 calendar days of the date of the family’s appointment. The documents must not be damaged, altered or in any way illegible.

Printouts from web pages are considered original documents.

Any family self-certifications must be made on a form provided by CMHA.

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

### **C. VERIFICATION TECHNIQUES - REFERENCE PIH 2010 - 19 (HA) [24 CFR 982.516]**

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 is mandated to use the EIV system whenever possible. (24 CFR § 5.233; PIH Notice 2018-18)

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 CMHA 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 60 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. CMHA 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 CMHA'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 CMHA. This verification method should be used as a last resort when CMHA has not been successful in obtaining information via all other verification techniques. When CMHA relies on tenant declaration, CMHA 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 (24 CFR § 982.516)**

**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 Driver's license or state identification card U.S. military discharge (DD 214) Current U.S. passport Employer identification card Other government issued picture identification as approved by a supervisor	Certificate of birth Adoption papers Custody agreement Jobs and Family Services ID Card School records U.S. Passport Birth Letter Current, valid driver's license or state identification card Health and Human Services ID

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 initial eligibility determination contact with adult family members.

**B. SOCIAL SECURITY NUMBERS [24 CFR 5.216]**

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.

For clients who are immigrants and/or were not married in the US and state-issued marriage certification cannot be obtained.

### **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. Deaths of Family Members (PIH 2012-4)

- In the event that CMHA has been made aware of a death within the household, CMHA will immediately send a letter to the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member.
- Deaths of Head-of-Household
  - Remaining adult family members of a deceased head of household must notify CMHA in writing, and request transfer of the voucher within a period of thirty (30) days from the date of death.
  - For deceased single member households or a household where the remaining household member is a live-in aide, CMHA is required to discontinue HAP to the property owner no later than the first of the following month after the month in which the death occurred.
  - CMHA is required to immediately terminate program assistance for deceased single member households which will result in termination of the HAP contract and HAP to the property owner. The property owner is entitled to receive the full HAP amount for the month in which the death occurred. The property owner is not entitled to HAP for any month following the month in which the death occurred, with the exception of the Project-Based Voucher (PBV) program in accordance with 24 CFR 983.352(b).
  - CMHA will Notify the property owner in writing of the deceased HOH.
  - When the HOH dies and the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH. CMHA may not designate the live-in aide as the new HOH or change the relation code (line item 3h on the form HUD-50058) of the live-in aide to make him or her an eligible household member (eligible for assistance) nor pay HAP on behalf of the live-in aide for any month after the month in which the HOH died.
  - When the HOH dies and minors are the only remaining family members, CMHA will allow a temporary adult guardian to reside in the unit until a court-appointed guardian is established. In accordance with CMHA's screening policies, CMHA may add the new guardian as the new HOH. CMHA will work with the local Department of Social Services to ensure that the best interests of the children are addressed.
- Removal of items from a RAD-PBV unit

- Upon notification of the death, either by HUD's EIV system or a third party, the family or designee of the deceased tenant's estate should be allotted a minimum of fourteen (14) consecutive days to remove personal belongings from the unit.

## **5. 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.

## **6. Guardianship**

The following hierarchy will be used to verify guardianship:

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

## **D. 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 childcare 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 disabilities,” 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 60 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 (24 CFR § 5.508(c)). 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. Documentation must be submitted by the time of the eligibility determination. Once documents have been submitted and verified for an individual, citizenship documentation for that individual will not need to be collected again. Household members who do not provide the required proof of citizenship or eligible immigration status will be considered ineligible noncitizens.

### **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) (24 CFR § 5.512(b)). 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.

### **3. EXTENSIONS (24 CFR § 5.508(h)(1) and (2))**

CMHA must provide an extension of up to 30 days to submit evidence of eligible status if the family submits the declaration of eligible immigration status and certifies that the family needs more time because the required evidence is temporarily unavailable. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence. Upon determining if the extension request meets the requirements, CMHA must inform the family, in writing, whether its request for a time extension has been granted or denied. If granted, the notice must state the specific period of the extension. If the extension request is denied, the notice must explain the reasons for the denial.

# **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 60 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 third-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 printout documenting benefit payment received.
- Computer generated pay history of the last 90 days, or copies of the last checks or stubs for the most rent 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 Property 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 60 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 year 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 (24 CFR § 982.516)**

#### **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 aged 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 expense's 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 childcare.
- The costs are reasonable based upon prevailing local childcare rates.

### **1. Eligible Child**

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

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

### **2. Unreimbursed Expense**

To be eligible for the childcare deduction, the costs must not be reimbursed by another source. The family will be required to certify that the childcare 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 childcare. 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 Childcare**

CMHA will verify that the fees paid to the childcare provider cover only childcare 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 childcare is provided for ineligible family members).

## **5. Reasonableness of Expenses**

Only reasonable childcare 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**

CMHA must provide an oral briefing when a family is selected to participate in the HCV program. (24 CFR § 982.301(a))

#### **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. It is suggested that all adult family members participate voucher briefings to ensure that all adults are informed about the program, especially family obligations and grounds for termination of assistance.

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**

Briefings can be in group or individual settings. 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 must be given a briefing information packet (24 CFR § 982.301(b)(1)) and an oral briefing must be provided on the following subjects (24 CFR § 982.301(a)(1)):

- A description of how the Voucher Program works;
- Family and property owner responsibilities;

- Where the family may lease a unit - outside or inside of CMHA's jurisdiction (portability);
- Explanation on portability policies and procedures (24 CFR § 982.301(a)(2));
- Explanation of the advantages of moving to an area that does not have a high concentration of low-income families (24 CFR § 982.301(a)(3));
- 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 property owner are the same as in the private housing market. The lease with the property owner 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 (RFTA) 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 within the time frames defined in Chapter 15 of this Administrative Plan of changes in household composition and income;
- Notifying their property 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. Property Owner Referrals of Housing**

Based upon information received from property owners, CMHA maintains a list of vacant units via [affordablehousing.com](http://affordablehousing.com).

## **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 property owner 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 (24 CFR § 982.313)**

CMHA will allow a prospective property 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 property 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 (24 CFR § 982.302)**

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

### **1. Term of Voucher (24 CFR § 982.303)**

The Voucher is valid for a period of 120 days from the date of issuance. The family must submit a Request for Tenancy Approval and Lease within the 120-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. Voucher Term Extensions**

Due to CMHA establishing the voucher term at 120 days, any extension request approval will require CMHA to recertify the family's income. Families requesting a voucher extension will be issued a new voucher with a term of 120 days. CMHA will accept voucher extension requests up to 30 days after the voucher has expired. If 30 days after the expiration date falls on a weekend or holiday, CMHA will accept the request on the following workday.

Households will be limited to two (2) voucher extensions. Further extension requests will be reviewed on a case-by-case basis.

When a Request for Tenancy Approval is received, CMHA will freeze the number of days on the term of the voucher while the request is being processed. This process is known as tolling or suspension of the voucher clock.

## **C. PORTABILITY OF VOUCHERS (24 CFR § 982.353)**

### **1. General Policies**

Any family participating in the CMHA HCV Program or has been pulled from the CMHA HCV Wait List (as long as the applicant family was a Franklin County Resident at the time

of application) must be allowed to move to another PHA’s jurisdiction under HUD’s portability rules (24 CFR § 982.353(b)). 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. Program regulations concerning portability are found at 24 CFR 982.353 through 982.355; 80 FR 50564; and PIH Notice 2016-09.

## **2. “Portability” Eligibility**

### **a. Porting Out to Another Jurisdiction (24 CFR § 982.353(b))**

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 property owner 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. CMHA must deny any whom move into its jurisdiction who are not income eligible (24 CFR § 982.353(d)(1)).

## **3. Portability Requirements**

### **a. Formal Briefing**

A formal briefing is required for a participant family wishing to transfer into CMHA jurisdiction.

### **b. Receiving PHA Voucher Term**

Per the Final Portability Rule and the Moves and Portability Chapter of the HUD HCV Guidebook, CMHA will grant a one (1) time 30-day extension from the expiration date of the initial PHA’s voucher.

### **c. The family is then responsible for:**

- i. Promptly contacting the receiving PHA and complying with the receiving PHA’s procedures for incoming families;

- ii. Submitting a request for tenancy approval (RFTA) to the receiving PHA during the term of the receiving PHA's voucher.

**d. The family will also need to:**

- i. • Allow time for receiving PHA processes, such as:
  - 1. Appointments at the receiving PHA;
  - 2. Rent approval and inspection of the unit by the receiving PHA;
  - 3. Plan for extra expenses, including:
    - a. Living expenses during the move;
    - b. Security deposits;
    - c. Moving costs.

**4. Families Porting into CMHA**

**a. CMHA may not deny assistance to a family wishing to port into its jurisdiction (24 CFR 982.355(b)), except under the following circumstances:**

- i. Extreme Circumstances (approved by HUD)
- ii. Rescreening
  - 1. As a receiving PHA, CMHA may apply its screening criteria to families looking to port from another PHA. Assuming CMHA's screening criteria is stricter than the originating PHA, CMHA may deny assistance based on the policies in this Admin Plan (Chapter 17).
  - 2. Families looking to move into CMHA's jurisdiction must also be income eligible based on CMHA's standards in Franklin County (OH) (24 CFR § 982.353(d)(1))
  - 3. An informal hearing (if the porting family is a current HCV participant) or an informal review (if the family is an HCV applicant) must be granted to the family attempting to port to CMHA if assistance with CMHA is denied for rescreening.

**b. Family Responsibilities**

- i. Provide location within CMHA's jurisdiction that the family wishes to move (24 CFR § 982.355(c)(1)).
- ii. Proper notice must be provided to their current property owner (24 CFR § 982.551(f)).
- iii. Contact CMHA (Portability Specialist) and comply with CMHA's procedures for incoming families including submitting a Request for Tenancy Approval (RFTA) within the voucher term. CMHA must promptly notify the initial PHA if the family has leased an eligible unit

under the program, or if the family fails to submit a request for approval of the tenancy for an eligible unit within the term of the voucher. (24 CFR § 982.355(c)(8)).

- c. Residency requirements associated with portability are different for participants in HUD-VASH.**

## **5. Denial of Portability Due to Insufficient Funding**

- a. If there is insufficient voucher funding at CMHA, and if a participant from another PHA or if a current CMHA client is looking to port to another PHA where there is insufficient voucher funding, a move can be denied in either case.**
  - i. In this case, the voucher must not be terminated (PIH Notice 2016-09(7)).
- b. CMHA must not deny a request to move due to insufficient funding unless all of the following applies (PIH Notice 2016-09(7)(a)):**
  - 1. The move is to a higher cost unit (for moves within the PHA's jurisdiction) or to a higher cost area (for portability moves). See definitions below.
  - 2. The receiving PHA is not absorbing the voucher (applicable only to portability moves).
  - 3. The PHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation (including any available HAP reserves) for housing assistance payments.

## **6. Termination of Assistance for Ported Families**

In situations where the receiving PHA is billing the initial PHA, at any time either the initial PHA or the receiving PHA may determine that it is necessary to terminate the family's assistance in accordance with the PHA's termination policies. In these instances, either PHA may issue a termination notice and conduct the informal hearing. More information about the informal hearing requirements can be found in the Informal Hearings and Reviews chapter.

## **D. End of Participation for failing to submit an RfTA**

Participant households that fail to submit a Request for Tenancy Approval will be reported as End of Participation status to HUD six months after the voucher expires.

## **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 property owners who have called CMHA to list their vacant 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 PROPERTY OWNER RELEASE (24 CFR § 982.305)**

The Request for Tenancy Approval and the Property 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 property owner and the Voucher family along with an unsigned copy of the lease that the property 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 property 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 PROPERTY OWNER (24 CFR § 982.306)**

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

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

- Violated property 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 property owner 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 an 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, “property owner” includes any person or entity that enters into a HAP contract and is assigned a vendor account number by CMHA. If a property owner’s participation is suspended, that suspension may, at CMHA’s discretion, apply to all entities participating in the Voucher program in which that property 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 property 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 a property owner’s future participation in the Housing Choice Voucher Program for a period of 12 months from the date of notification to the property owner. Suspension of participation means that CMHA will not enter into new HAP Contracts with the property owner for a period of

twelve months. Reinstatement of the property owner's participation will depend on CMHA's evaluation of the property owner's efforts to comply with CMHA, HUD, state, and local laws and regulations. If CMHA determines that the property owner has not made a good faith effort, the suspension may continue for additional 12-month periods until the property 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 managed on a case-by-case basis. CMHA reserves the right to deny property 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**

Property 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 a property 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 property owners of any actions initiated under this Chapter including the appeal procedure (see Chapter 19 for information on property 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) (24 CFR § 982.405(a)) / (24 CFR § 982.305(b)(1)(i))
- Annual (24 CFR § 982.405(a))
- Complaint (Damages/Emergencies) (24 CFR § 982.405(c))
- Quality Control (24 CFR § 982.405(b))

### B. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS (24 CFR § 982.401(a); 982.405)

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.
- Property 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 (windowsills, 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 property owner noncompliance.

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

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

CMHA has adopted new policies and procedures enabling acceptance of certifications from property owners 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 property 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:**

**HQS/ Property Owner/Tenant Certification of Repairs**

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

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

**Property Owner Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**Address** \_\_\_\_\_

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

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

**Dear (Property 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 property owners and the family Head of Household (HOH) self-certify the repair/s have been completed.

This form must be signed by both the property owner and HOH and returned within 28 days of the inspection. It is the property 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      or Fax response to: 614-421-6316  
   Certification of HQS/  
   Repairs  
   880 East 11th Ave      or scan and email response to:  
   Columbus, OH 43211      [inspections@CMHANET.com](mailto: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.**

---

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 any time.

---

**Property Owner Printed Name**

---

**Head of Household Printed Name**

---

**Property Owner Signature  
Signature**

---

**Head of Household  
Signature**

---

**Property Owner Telephone Number  
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 re-inspections to verify that all HQS deficiencies have been corrected prior to entering into a HAP contract with the property owner. Certifications cannot be accepted.

**b. Annual Inspections**

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

For RAD-PBV sites the CMHA must inspect a random sample, consisting of at least 20 percent of all units no less than biennially. (RAD Quick Reference Guide, October 2014) (24 CFR § 983.103). If a larger sample is requested by the property owner of the property the 20 percent random sample pulled, will be utilized to determine if the contract units and the premises are maintained in accordance with HQS.

Deficiencies noted in the 20 percent sample are required to be cured in accordance with the CMHA's Administrative Plan.

If a larger sample is inspected, all life-threatening deficiencies must be repaired within 24 hours. Other deficiencies noted need to be repaired prior to the HAP Contract anniversary date.

**c. Complaint Inspections (Damages/Emergencies) (24 CFR § 982.405©)**

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 property owner 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 property owner/tenant certifications of corrective actions with respect to non-emergency complaints are at CMHA's discretion.

**d. Quality Control Inspections (24 CFR § 982.405(b))**

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 property owner/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 property owners are eligible to participate in the Certification procedure?**

Property Owners 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 any time.

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

Both the tenant and property owner must sign the certification. 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 property 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 property 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 120-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 property 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 property 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 property owners and/or termination of program assistance for tenants.

CMHA must investigate complaints about HQS matters that are registered by tenants, property 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 property 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.

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 property 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 property 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 property owner or family will be given 24 hours to correct the violations. For less serious failures, the property 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 property 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 (24 CFR § 982.404(a)(3))**

At a minimum, the following items are to be considered of an emergency nature and are to be corrected by the property 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.
- Inoperative carbon monoxide detector.

CMHA may give a short extension (not more than 48 additional hours) where the property 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 property owner's responsibility are not corrected within the initial or extended period, the HAP Contract will be canceled immediately by notice to the property 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 property owner.

## **H. RENT ABATEMENT POLICIES (24 CFR § 982.453(b))**

When it has been determined that a unit on the program fails to meet non-emergency Housing Quality Standards and the property 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 property 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 property 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 property owner's notice to CMHA **if** the unit passes inspection.

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

If the property 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 property owner and family. During this period (ending the last day of the month following the month the notice is issued), the property owner 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 120-day calendar period. 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 property owner.

If the property owner takes corrective action within this 30-day notice period, a follow-up inspection may be requested by the property owner 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 (24 CFR § 982.404(b))**

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 property owner. The proposed termination notice will offer the family an opportunity to request an informal hearing with CMHA.

If Voucher termination is proposed, the property owner will continue to receive a HAP contract payment until the effective Voucher termination date. If the family is granted an informal hearing, the property 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 property 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 property owner at the property owner's option) takes action to correct the HQS violations, a one-time reinspection may be requested with the consent of the property owner. If the unit passes, the tenant may retain their Voucher and remain in the unit if the property owner agrees. The property owner 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 property owner.

#### **K. RESPONSIBILITY OF THE FAMILY AND PROPERTY OWNER TO COOPERATE IN SCHEDULING AND CONDUCTING INSPECTIONS (24 CFR 982.404(b)(3))**

CMHA must be allowed to inspect the unit during normal business hours with reasonable notice. At a minimum, the property owner or a representative must be present at the initial move-in inspection; the family may be present if the property owner consents. The property owner and the family will be notified of the inspection appointment by mail.

At subsequent inspections, either an adult family member or the property owner or a representative must be present. The property owner 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 property owner 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 property owner to be there, one final inspection appointment will be scheduled. The property owner 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 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.

#### **L. CARBON MONOXIDE ALARMS OR DETECTORS IN U.S. HOUSING AND URBAN DEVELOPMENT (HUD)-ASSISTED HOUSING**

Public housing agencies and authorities (PHAs), and Owners of properties that receive federal rental assistance have a vital role to prevent potential loss of life and severe injury associated with carbon monoxide (CO) in housing they own or manage.

This section clarifies that HUD will enforce the requirements instituted by Congress requiring that all Public Housing (PH), Housing Choice Voucher (HCV), Project Based Voucher (PBV), Project Based Rental Assistance (PBRA), Section 202 Supportive Housing for the Elderly (Section 202), and Section 811 Supportive Housing for Persons with Disabilities (Section 811) comply with the International Fire Code (IFC) 2018 standards on the installation of CO alarms or detectors by December 27, 2022. For the full 2018 IFC Code, as well as Chapter 9 and Chapter 11 regarding CO alarms or detectors, please visit <https://codes.iccsafe.org/content/IFC2018>; <https://codes.iccsafe.org/content/IFC2018/chapter-9-fire-protection-and-life-safety-systems>; <https://codes.iccsafe.org/content/IFC2018/chapter-11-construction-requirements-for-existingbuildings>.

PIH Notice 2019-06, HN 2019-05, and Office of Lead Hazard Control and Healthy Homes (OLHCHH) Notice 2019-01 reminded Owners and operators of PH, PBRA, HCV, PBV, and

Section 202/811 properties to have operational CO detectors, where specified, as required by the state or local law, code, or other regulation.

The Act requires the installation of CO alarms or detectors in certain Federally Assisted Housing by December 27, 2022. The Act CO alarms or detectors be installed in each dwelling unit(s) receiving tenant-based or requires project-based assistance or is owned or operated by a PHA or by the owner of a dwelling unit receiving project-based assistance in a manner that meets or exceeds the standards described in Chapters 9 and 11 of the 2018 publication of the International Fire Code (IFC), as published by the International Code Council (ICC).

This notice is being issued to provide notice that the Secretary of Housing and Urban Development will, consistent with the Act, enforce standards relating to CO alarms and detectors and in support of decent, safe, and habitable housing in HUD's low-income housing assistance programs. HUD recognizes CO poisoning as an important safety issue for families in assisted housing. According to the National Center for Environmental Health, "each year more than 400 Americans die from unintentional CO poisoning not linked to fires, more than 20,000 visit the emergency room, and more than 4,000 are hospitalized."

CO is an odorless, colorless, and toxic gas. It is impossible to see, and is a tasteless gas produced by incomplete combustion of fuel burned in vehicles, small engines, stoves, lanterns, grills, fireplaces, gas ranges, or furnaces. It can build-up indoors and poison people and animals who breathe the toxic fumes. The effects of CO exposure can vary from person to person depending on age, overall health, and the concentration and length of exposure. Exposure can cause harmful health conditions, permanent brain damage, life-threatening cardiac complications, fetal death or miscarriage, and death in a matter of minutes. Individuals who are asleep or intoxicated may die from CO poisoning before experiencing any symptoms.

- **Requirement to Install Detectors and Alarms:** The ICC publishes the IFC and periodically updates it. Among other standards, the IFC establishes minimum requirements for CO alarms or detectors in jurisdictions which adopt the IFC into its codes or laws, except for properties where the International Residential Code (IRC) applies. In its administration section, the 2018 IFC notes the model code provisions do not apply to properties covered under the 2018 IRC (Single Family Housing, Duplexes & Townhomes) with some limited exceptions.

HUD encourages PHAs and Owners to adopt standards at or above the standards of the 2018 International Fire Code (IFC) as soon as possible for the health and safety of residents. PHAs and Owners are on notice that these requirements will be enforced by HUD after the effective date of December 27, 2022.

- **Preventing CO Intrusion and Funding Resources:** CO alarms or detectors are not a replacement for the proper installation, use, and maintenance of fuel-burning appliances or for well-ventilated garages. PHAs, Owners, and managers should ensure that combustion equipment is maintained and properly adjusted. Vehicle use should be

carefully managed adjacent to buildings and in vocational programs through signage or policy updates. Where feasible, Owners and managers can provide additional ventilation as a temporary measure when elevated levels of CO are expected for short periods of time.

- Examples of activities to prevent CO intrusion include:
  - Ensure gas appliances are properly adjusted.
  - Install, properly maintain, and assure through periodic inspection that exhaust fans are functional and vented to outdoors over gas stoves.
  - Ensure that flues over fireplaces are operational and capable of opening and closing by residents.
  - Use appropriately sized wood stoves certified to meet EPA emission standards with tightly fitting doors.
  - Perform annual inspections, clean, and tune-up central heating systems (furnaces, flues, chimneys) and ensure that a trained professional conducts these activities.
  - Ensure leaks are repaired promptly.
  - Provide regular resident CO education through policies or signage.

Sources of CO that can be found in a housing environment, as described in the EPA's webpage Carbon Monoxide's Impact on Indoor Air Quality, include:

- Unvented kerosene and gas space heaters.
- Leaking chimneys and furnaces.
- Back-drafting from furnaces, gas water heaters, wood stoves, and fireplaces.
- Gas stoves.
- Generators and other gasoline powered equipment.
- Automobile exhaust from attached garages.
- Auto, truck, or bus exhaust from attached garages, nearby roads, or parking areas.
- Incomplete oxidation during combustion in gas ranges and unvented gas or kerosene heaters.
- Worn or poorly adjusted and maintained combustion devices (e.g., boilers, furnaces) if the flue is improperly sized, blocked, or disconnected; or the flue is leaking.

Rental property owners, managers, and residents all play a significant role in preventing CO intrusion and responding quickly when it occurs and where sources of CO exist. Common exposures occur when residents introduce a CO source or result from building related sources, such as an inadequately exhausted vent or a faulty boiler. Other CO exposures occur during a natural disaster or utility interruption. Residents should avoid the use of portable generators, fired grills, vehicles, or fuel-burning space heaters as a heat or fuel-burning electric sources indoors. Therefore, resident education is strongly encouraged particularly during seasonal increases in CO use or during periods of electric or heat outages. PHAs and Owners should

inform residents that CO exposure can be prevented. Examples to avoid unintentional CO poisoning include:

- Avoiding portable generators indoors and only using generators outdoors in well-ventilated areas away from all doors, windows, and vents.
- A gas-burning stove or oven should not be used for heat.
- A fuel-burning space heater that is not vented to the outdoors should not be used.
- A car should not be left running in an enclosed garage.

PHAs operating public housing units may use either Operating Funds or Capital Funds for purchase, installation, and maintenance of CO alarms or detectors. Based on the Act's set-asides, the Capital Fund Program conducts competitions for additional funds for CO alarms or detectors. For the HCV and PBV programs, the property owner is responsible for the cost of CO alarms or detectors. PHAs may use their HCV administration funds for property owner outreach and education on these requirements. Owners of properties receiving assistance through the PBRA, Section 202, and/or Section 811 program may utilize the property's reserve for replacement account, residual receipts, general operating reserves, owner contributions, or secondary financing to fund the purchase, installation, and maintenance of CO alarms and detectors. These expenditures may be subject to a standard approval process where applicable, but the purchase, installation, and maintenance of CO alarms and detectors are deemed eligible expenses.

- **Resident Education:** Congress directed HUD to provide guidance to public housing agencies on how to educate tenants on health hazards in the home, including CO poisoning, lead poisoning, asthma induced by housing-related allergens, and other housing-related preventable outcomes, to help advance primary prevention and prevent future deaths and other harms.

## **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 property owner or property 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, public 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 childcare facilities.

#### **3. Corrective Actions**

If lead-based paint hazards are identified, property owners 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 property owner. 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 – property owners 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 property owner, 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, property 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 person 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 property owner within 5 days and the property 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 property owner.

### **c. Consultations**

Given the serious nature of elevated blood lead levels and the need to initiate curative steps at the earliest date, CMHA will require a meeting with the property owner 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 property owner 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, property owners 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 property owner.

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 – property owners 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 property 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.

#### **7. Reporting And Record Keeping for Children With Elevated Blood Lead Level**

CMHA has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed previously in this exhibit. This section deals with the reporting requirements, and data collection and record keeping responsibilities that CMHA is subject to.

##### **a. Reporting Requirement [24 CFR 35.1225(E); Notice PIH 2017-13]**

The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days. CMHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

##### **b. Upon notification by the owner**

CMHA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level within five business days. Upon

notification by the owner, the PHA will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days.

**c. Data Collection and Record Keeping [24 CFR 35.1225(f)]**

At least quarterly, CMHA must attempt to obtain from the local public health department(s) the names and/or addresses of children less than 6 years old with an elevated blood lead level. If CMHA obtains names and addresses of elevated blood lead level children from the public health department(s), CMHA must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, CMHA must carry out the notification, verification, and hazard reduction requirements discussed previously, and the reporting requirement discussed above. At least quarterly, CMHA must also report an updated list of the addresses of units receiving assistance under the HCV program built prior to 1978 to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report. Unless the public health department(s) requests otherwise, CMHA will provide an up to date report of the addresses of units built prior to 1978 receiving assistance under the HCV program at least quarterly.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 12: LEASE AND HAP CONTRACT EXECUTION**

### **A. DOCUMENT SUBMISSION REQUIREMENTS**

#### **1. Lease (24 CFR § 982.308)**

The lease used by a Property Owner must comply with HUD regulations, State, and local laws. It is the Property Owner's responsibility to ensure lease compliance with state and local law. The HUD Lease Addendum form must be incorporated in all leases. Property 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, Property 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**

Property 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 property owner provides the correct IRS tax identification number and matching legal ownership name.

#### **4. Family Submissions**

The family is required to submit 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 property owner if the unit and lease have been approved or rejected. If approved, the family, property owner 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 property owner 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 property owner and propose a revised rent. The family and property owner may accept the rent revision proposal or may negotiate an approvable rent and resubmit the lease and Request for Tenancy approval within ten 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 PROPERTY OWNER/TENANT AGREEMENTS**

Property 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 another 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 property 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 property 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 (24 CFR § 982.305 (c))**

If the unit has passed the HQS inspection and the property 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 property 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 property owners will be required to visit CMHA's offices to execute the required documents. The documents may also be mailed or sent via secure email for signature with the Housing Assistance Manager's approval in hardship cases. Both parties must sign all contract documents within 60 days of the contract effective date.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 13: PROPERTY OWNER PAYMENTS, UTILITY ALLOWANCES AND ADJUSTMENTS**

#### **A. PROPERTY OWNER PAYMENT IN THE HOUSING VOUCHER PROGRAM**

The Contract Rent is the total rent paid to the property 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 property 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 recertification. 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. CMHA will accept Ratio Utility Billing Systems as an acceptable way to determine the household's utilities when the RFTA is submitted identifying the responsibilities of the participant.

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 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 property 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 property owner file.

### **D. ELECTRONIC TRANSFER PAYMENT SYSTEM FOR PROPERTY OWNERS**

CMHA will issue payments to property owners and housing assistance agencies by using a secure electronic transfer payment (ETP) system. Payments will be made to a property 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 property owner appeals.

Property 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 property owner is successfully registered; terminate all existing housing assistance payment contracts; and/or deny the property owner future participation in any of CMHA's assisted housing programs.

Use of CMHA's ETP system for property 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 property owner's ETP account for payments made in error or to recover monies that the property owner is not entitled to receive under the terms and conditions of the Housing Assistance Payment contract.

The property 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. Property 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 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**

### **CHAPTER 14: RENTS, PAYMENT STANDARDS AND RENT INCREASES**

#### **CMHA must:**

1. Determine that the rent to a property owner is a Reasonable Rent in comparison to rent charged for comparable unassisted units in the open market. (24 CFR § 982.507(b))
2. Determine that the rent does not exceed rent charged by the property owner for unassisted units in the same building and/or development. (24 CFR § 982.507(b))
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.
4. 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).
5. Process contract Rent Increases (if requested by the property owner) or reductions in accordance with the above requirements if required by HUD or CMHA.

#### **A. RENT REASONABLENESS DETERMINATION (24 CFR § 982.507)**

Rent Reasonableness determinations are made:

1. Before units are placed under HAP contract for the first time. (24 CFR § 982.507(a)(1))
2. If a property owner requests a rent increase. (24 CFR § 982.507(a)(2)(i))
3. If there is a 10 percent decrease in the HUD published Fair Market Rents. (24 CFR § 982.507(a)(2)(ii)/PIH Notice 2018-01 (4)(b))
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 property owner (24 CFR § 982.507(b)/PIH Notice 2003-12 (4)). 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 a property 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 property 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 (24 CFR § 982.503)**

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 40th 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 (24 CFR § 982.503(b)(1)(i)) and may set them higher or lower than these limits with HUD approval (24 CFR § 982.503(b)(1)(ii)).

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 based on 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.

## **Changes in Payment Standards**

Whenever HUD adjusts the FMR, CMHA will assess the adequacy of its payment standard. The effective date will be no later than 3 months after publication of the FMRs.

CMHA may review its budget to determine whether it is feasible to maintain the Payment Standard at its current levels. For this purpose, CMHA will compare the number of families that could be served under a lower Payment Standard with the number of families served at the 100% level. When the FMR decreases, CMHA may choose to continue to use the existing payment standard for as long as the family continues to receive voucher assistance in a particular unit.

## **C. RENT INCREASE REQUESTS BY PROPERTY OWNERS**

A property 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, property 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 a property 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 property 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 property owner.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 15: INTERIM REEXAMINATIONS OF INCOME AND RENT (24 CFR § 982.516(c)-(e))**

#### **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 property owner.

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 a 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 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 property 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 childcare 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. 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.
3. 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. No Repayment Agreements will be allowed if there is evidence of **deliberate** fraud and is the basis for termination from the HCV Program (see Chapter 21).

2. A change in the Head of Household must be reported in writing using the Interim Reexamination Request Form and delivered to CMHA within ten 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 ten 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 new household member under the age of six, including births, must be reported within 90 days of the child's addition to the household (24 CFR § 5.216(e)(2)(ii)). The Social Security Number for the new child must also be received by CMHA within 90 days. An additional 90-Day extension may be granted. Without the Social Security Number, the child must be added to the household pending submission of the required documentation. When submitting a new child under this premise to PIC, an alternate ID is to be assigned to the child, replacing it with the SSN when available.

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 property owner as specified in the Tenancy Addendum to the Property Owner Lease. If approved by the property owner, 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.

4. Changes with Live-In Aides must be reported like any other Family Composition change; new and prospective live-in aides must conduct criminal background checks and must also check for previous program participation (see Chapter 8).

In order to add new household members over age 6 or new household members six and under who already have an SSN to a participant household, the family must<sup>52</sup> disclose and document the new member's SSN before adding the new member to the assisted household. If a member, six years of age or older, does not have an SSN, the member must<sup>53</sup> obtain one (unless he or she

is a non-contending family member). The family must disclose and document the new member's SSN prior to adding the new member to the assisted household.

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:

$$\begin{array}{r} 3\text{BR Payment Standard or Gross Rent of the Unit (the lower of the two)} \\ \text{minus } \underline{1\text{BR Payment Standard}} \\ = \text{Overpaid Payment} \end{array}$$

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**

### **CHAPTER 16: FAMILY MOVES AND LEASE TERMINATIONS**

#### **A. FAMILY MOVES**

A family may move to a new unit with continued assistance if (24 CFR § 982.354):

- The family does not owe CMHA money or is current on any CMHA repayment agreement.
- The assisted lease for the old unit has terminated because CMHA has terminated the HAP contract for property owner breach, or the lease was terminated by mutual agreement of the property owner and the family.
- The property owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgement or other process allowing the property owner to evict the family (unless assistance to the family will be terminated for a program violation).
- The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to the property owner).
- VAWA provisions

A family will not be permitted to move more than once in a 12-month period or if they are in a violation of a lease provision.

\*\* (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 (24 CFR § 982.354(d))**

If the family wants to move to a new unit, the family must notify the PHA and the property owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial PHA jurisdiction, the notice to the initial PHA must specify the area where the family wants to move.

1. During the initial term of the lease, families may not end the lease unless they and the property 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 property 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 property owner's signature or give advanced written notice of the proposed termination date to the property owner by certified mail. In accordance with the lease, the notice

must be sent out based on the provisions of the lease. The family will be required to provide the certified mail receipt and a copy of the letter sent to the property owner to CMHA. If the property 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 property 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 property owner desires to terminate the lease and end the HAP contract, the property 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 property owner and family using CMHA's Mutual Rescission Form (see Exhibit xx)

2. Other actions may result in lease termination:

- The property 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

- Property 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 will issue a voucher with presentation of a three-day notice to vacate in accordance with 24 CFR § 982.354(b)(2). CMHA must deny a request to move or terminate a voucher to move if the relocating family is moving because of a violation of the lease that was determined and adjudicated in a Formal Proceeding, within exception to clients who receive protections from VAWA.

An eviction complaint by the property owner that results in a settlement between the property owner and tenant, a.k.a. “an agreement between the parties” may result in an issuance of a new voucher by CMHA.

If the action is finalized in court, the property owner will provide CMHA with the documentation, including notice of the bailiff’s move-out date.

CMHA must continue making Housing Assistance Payments to the property owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By accepting the monthly payment from CMHA, the property owner certifies that the tenant is still in the unit, the rent is reasonable, and s/he is in compliance with the contract.

If an eviction is not due to a court action for serious or repeated violation of the lease, and if CMHA has no other grounds for termination of assistance, CMHA may issue a new voucher so that the family can move with continued assistance.

#### **E. PROPERTY OWNER NOTICE TO VACATE UNIT**

Property Owners may only give families notice according to their lease and/or the HUD Lease Addendum provisions. Property 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. (24 CFR § 982.552 (c)(1)(iv))

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. PROPERTY OWNER FRAUD**

If a property 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 property 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 property 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 PROPERTY OWNERSHIP**

CMHA must receive a written request by the property owner who executed the HAP contract in order to Make changes in property ownership. CMHA will then request the property owner to execute a HAP Contract Transfer Form.

CMHA will process a change of property ownership if accompanied by acceptable documentation showing the transfer of title and the correct Tax Identification Number or Social Security Number of the actual property owner. New property 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 property owner may request that a new lease and HAP Contract be executed with the family and CMHA.

## **G. SERIOUS AND REPEATED LEASE VIOLATIONS**

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- The number of occurrences of lease violations.
- If the property owner evicts the tenant.
- If the property owner notifies the family of termination of tenancy assistance for serious or repeated lease violations and CMHA concurs that the lease violations are serious and repetitive.
- If there are police reports, neighborhood complaints or other third-party information, that has been verified by CMHA.
- Nonpayment of rent is considered a serious violation of the lease, with a court judgement (unless the reason for non-payment is covered by Federal, State or Local law).
- Damages that exceed a third-party verified value of over \$1000, with a court judgement.

The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the property owner terminates tenancy through court action for serious or repeated violation of the lease as evidenced by a court judgment.
- If the property owner notifies the family of termination of tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court

action, and CMHA determines that the cause is a serious or repeated violation of the lease based on available evidence. Available evidence may include but is not limited to police reports.

- Nonpayment of rent is considered a serious violation of the lease, unless the reason for non-payment is covered by State or local law (e.g., rent deposit with a Court).

## COLUMBUS METROPOLITAN HOUSING AUTHORITY

### CHAPTER 17: DENIAL OR TERMINATION OF HCV PROGRAM ASSISTANCE (24 CFR § 982.552)

#### A. GENERAL POLICY

CMHA **must** deny admission or terminate assistance for:

- For provisions on denial of admission and termination of assistance for illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents (982.552(b)(1))
- For a family evicted from housing assisted under the program for serious violation of the lease. (982.552(b)(2))
- If any member of the family fails to sign and submit consent forms for obtaining information [also includes disclosing verification of legal names and social security numbers]. (982.552 (b)(3))
- Not providing required evidence of citizenship or eligible immigration status. (982.552(b)(4))
- If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612. (982.552(b)(5))

CMHA has the authority to deny or terminate assistance for the following grounds for denial or termination of assistance. CMHA may at any time deny program assistance for an applicant, or terminate program assistance for participant, for any of the following grounds:

1. If the family violates any family obligations under the program (see §982.551). See §982.553 concerning denial or termination of assistance for crime by family members.
2. If any member of the family has been evicted from federally assisted housing in the last five years;
3. If a PHA has ever terminated assistance under the program for any member of the family.
4. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program (see also §982.553(a)(1));
5. If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
6. If the family has not reimbursed any PHA for amounts paid to a property owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
7. If the family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to a property owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to a property owner by a PHA. A PHA may set the terms of the agreement.)

CMHA may deny or terminate HCV Program assistance to:

- Families who have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing assistance program (982.552(c)(1)(iv)); or
- Families who have violated any of the following Family Obligations (982.551):
  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 (24 CFR § 982.552 (b)(4));
  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 (24 CFR § 982.552 (b)(3));
  4. Supply any information requested by CMHA to verify that the family is living in the unit or information related to the family's absence from the unit.
  5. The family must submit true and complete information as requested;
  6. The family is responsible for any HQS breach caused by the family as described in 24 CFR §982.404(b);
  7. The family must allow CMHA to inspect the unit at reasonable times and after reasonable advance notice;
  8. The family must not commit any serious or repeated violation(s) of the lease (24 CFR § 982.552 (b)(2));
  9. The family must notify CMHA and property owner before the family moves out of the unit, or terminates the lease on notice to the property owner (see 24 CFR § 982.354(d));
  10. The family must promptly give CMHA a copy of any property owner eviction notice;
  11. The family must use the assisted unit for residence by the family. The unit must be the family's only residence;
  12. 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;

13. The family must promptly notify CMHA if any family member no longer resides in the unit;
14. The family must request CMHA approval for a foster child or a live-in-aide to reside in the unit;
15. 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;
16. The family must not sublease or let the unit;
17. The family must not assign the lease or transfer the unit;
18. 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;
19. The family must not own or have any interest in the unit or be related to the property owner(s) of the property (home ownership participants are excluded from this rule);
20. The family's members must not commit fraud, bribery, or any corrupt or criminal act in connection with the Housing Choice Voucher Program;
21. The family's members must not engage in drug-related criminal activity, or violent criminal activity (see 24 CFR § 982.553); or,
22. 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.
23. CMHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612. (24 CFR § 982.552 (b)(5))

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 property owner (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 a property owner under a HAP contract for rent damages to the unit, or other amounts owed by the family under the lease;
7. The family has breached an agreement with the PHA to pay amounts owed to a PHA or amounts paid to a property owner by a PHA.
8. Any FSS program participant failing to comply without good cause with the FSS contract of participation;
9. Any family member that has engaged in abusive or violent behavior toward CMHA's personnel; (982.552(c)(1)(ix))
10. 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.);
11. If a property owner informs CMHA that a family has moved from a unit without repairing tenant caused damages or compensating the property owner for repairs, the family is subject to termination of housing assistance if the total damages exceed \$1000. Property 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.
12. Any family that has failed to make utility payments that are or where their responsibility while participating in HCV programs or that have transferred a utility to the property owner without the property owner's or CMHA's written consent. If the utility assesses the family's unpaid obligation to the property 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 property owner. (Also, see section 17.F 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:
  - 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 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.
  - c. Drug related criminal activity does not include the use or possession if the family member can demonstrate that s/he:
    - i. Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment; and,
    - ii. 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, has pled guilty to the charge or if the preponderance of evidence indicates that a family member has engaged in criminal activity. CMHA must not deny admission or initiate termination of assistance solely based on arrest records (PIH Notice 2015-19).

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes but is not limited to documentation of drug raids or arrest warrants.

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.

CMHA may terminate assistance for criminal activity by a household member under this section if the household member has engaged in the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

CMHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

#### **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 property 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 property owner 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.
5. In RAD PBV communities where the RAD HAP contract rents are set below CHA's payment standards, the 180-day limit for \$0 HAP will not apply. The participant will be allowed to remain in the unit and the unit will stay under the HAP contract until 180-days after 30% of the family's monthly adjusted income equals the payment standard amount for the unit size for which the family qualifies. Tenants who were in place at the time of a RAD conversion are exempt from over subsidy regulations. *(See Chapter 25)*

#### **E. NOTICE OF TERMINATION**

When CMHA decides to terminate assistance to the family, CMHA must give notice to the family and the property 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 property 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 property owner and tenant specifies responsibility for payment of the various utilities; the property 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. Property Owners are encouraged to notify CMHA if tenants are failing to make utility payments or have moved without making utility payments. Property owners must submit supporting documentation. CMHA will take action as described in Section F.2 above.

The property owner 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 property owner 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 property owner, the tenant, and the utility company.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 18: RECOVERING OVERPAYMENTS FROM PROPERTY 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 property 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 property 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 property 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 property 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 property 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 a property owner until any outstanding balance is paid in full.

#### **C. RECOVERY OF OVERPAYMENTS OF HOUSING ASSISTANCE**

Upon written notification to the property 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 payment.
  - 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 a

property 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 property owner to submit future payments by money order or by certified check.

2. If the property 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 property owner for the same client or for other clients that are under a HAP contract with the property owner.
3. In the event the property owner fails to repay the repayment balance within 60 calendar days of being notified in writing of the initial HAP adjustment, the property 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 property owner's account will be forwarded to a collection's agency. CMHA will not enter into any repayment agreement with a property owner.

#### **D. PROPERTY OWNER APPEAL OF THE RECOVERY OF OVERPAID HOUSING ASSISTANCE**

Chapter 19 (Complaints and Appeals by Participants and Property Owners) of this Administrative Plan describes the appeal process to be followed. CMHA will send written notice to the property owner of any recovery action CMHA proposes to take, including the time frames for an appeal. If the property owner's appeal is not received within the timeframes, the property owner's appeal rights shall be deemed waived and abandoned, the issue shall be resolved against the property owner, and the issue shall not thereafter be subject to further appeal or review.

#### **E. DEFINITION OF PROPERTY OWNER**

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

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 19: COMPLAINTS AND APPEALS BY PARTICIPANTS AND PROPERTY OWNERS**

#### **A. COMPLAINTS**

CMHA will investigate and respond to complaints by participants or property 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](mailto:inspections@cmhanet.com)**. Anonymous complaints will be checked whenever possible.

#### **B. APPEALS BY PROPERTY OWNERS**

##### **1. General**

- a) Property 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 property 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 Property Owner Appeal Procedure. The property owner may choose any method of delivery, but the property 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 Property Owner Appeal Procedure will result in the loss by the property 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 Property Owner Appeal Procedure, including those for delivery and receipt of written notices or documents, are not met, the property owner's appeal shall be deemed waived and abandoned, the issues shall be resolved against the property owner, and shall not thereafter be subject to further appeal or review.

d. Notice to Property Owner by CMHA and Notices of Appeal by Property Owners

- i. All notices to property owners shall be sent by regular U.S. mail to the address to which payments under the HAP Contract are sent and electronic mail if provided;
- ii. All Notices of Appeal submitted by property 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 PROPERTY OWNER APPEAL PURSUANT TO ADMINISTRATIVE PLAN.** The appeal must include a copy of the Notice to Property Owner and must set forth, specifically and in detail, each and every basis upon which the property 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 Property 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 Property Owner Appeal Procedure, property 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 property owner concerns. Attempts to resolve concerns through informal means, however, do not alter or modify the time limits within which the property owner must invoke and/or continue the formal appeal process, and the property 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 Property 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 property owner of the decision. Appeals must be sent to the following address:

Housing Choice Voucher Program  
Attn: Property Owner Appeals  
880 East Eleventh Avenue  
Columbus, OH 43211

- B. CMHA will contact the property owner to schedule a meeting within five (5) calendar days of receipt of the proper written notice of property owner appeal unless the property 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 property owner is not satisfied with the first level appeal decision, the property 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: 2nd Level Property 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 property 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 property owner and CMHA may be represented by counsel. If either CMHA or the property 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 property owner may provide a stenographer, at the property owner's expense, so long as the transcript of the hearing is provided to CMHA thereafter.
  - c. The property owner may present evidence, including witness testimony. If the property owner wishes to present witness testimony at the hearing, the property 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 property owner will not be permitted to present witness testimony. CMHA's representative may, but is not required to, ask questions of the property owner and any witnesses. CMHA staff and the property 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 Property 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 property 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 Property 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.

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 a property owner's lease provisions.
- HQS determinations on a unit.
- HQS occupancy violations because of family size.
- CMHA's contractual rights and remedies with a property owner.

#### **4. Deadline for Requesting Hearings/Reviews**

All requests for Informal Hearings/reviews must be made and received by CMHA within ten calendar days of the date of the notification letter or within ten 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 another 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:

AMOUNT DUE	INITIAL PAYMENT	MAX TERM
\$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 (24 CFR § 982.627)**

To be eligible for the Housing Choice Voucher Homeownership 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 23) 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 homeownership 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 property 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. HOMEOWNERSHIP COUNSELING REQUIREMENTS (24 CFR 982.630)**

When the family has been determined eligible, they must attend and successfully complete pre-Homeownership counseling sessions. Such counseling shall be consistent with HUD-approved housing counseling.

Counseling shall include:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain Homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about Homeownership opportunities, schools, and transportation in CMHA's jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- Information about the Real Estate Settlement Procedures Act (RESPA), State and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions;
- Fair Housing laws.

Families shall attend one post purchase-counseling sessions within the first year of homeownership.

## **B. HOME OWNERSHIP DOWNPAYMENT**

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 120 calendar days. CMHA will then inspect the unit for compliance with program requirements (see Unit Eligibility below).

Any request for an extension after the initial 120 days will require the family to be recertified and a new voucher can be issued. 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 (24 CFR § 982.636)**

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 (24 CFR § 982.632)**

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 three 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 for the property 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 (24 CFR § 982.631)**

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 (24 CFR § 982.635)**

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 (24 CFR § 982.634)**

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 (24 CFR § 982.633)**

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 (24 CFR § 982.637)**

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 (24 CFR § 982.638)**

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 an 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 ten calendar days of the date of proposed termination. See Chapter 19 – Complaints and Appeals by Property Owners and Families.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 24: PROJECT-BASED VOUCHER PROGRAM (24 CFR 983)**

#### **A. PURPOSE**

CMHA's Project-Based Voucher program provides safe and affordable housing opportunities for elderly, disabled and/or severely economically disadvantaged families. Developments 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 property 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 24 CFR 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**

Developments 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. Furthermore, no awards may be made to developments where the competitive process involved any consideration that the development would receive PBV assistance (see 24CFR983.51(b)(2)). In some instances, HUD approval may also be needed for approval of specific regulatory requirements.

Property 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 development, 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 property 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. PROPERTY 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. All families living in units under a PBV contract and CMHA must sign a Statement of Family Responsibility. The Statement of Family Responsibility must contain all family obligations including the family's participation in a supportive services plan if applicable. Voucher issuance and portability are restricted while the family participates in the Project-Based Voucher program. Based on the availability of funding, Tenants may convert to the Tenant-Based Voucher program after the initial term of their lease (not less than one year) expires. If there is no funding available for a tenant-based voucher at the time of request, PBV client will be placed on a waitlist to receive a tenant-based voucher upon availability. Tenants must comply with HUD's program definitions, list of family obligations and CMHA Administrative Plan requirements. The family must give the property owner advance written notice (in accordance with the terms of the lease) of intent to vacate. If the family terminates the assisted lease before the end of one year, it relinquishes the opportunity for the continued tenant-based assistance at that time. Voucher holders must comply with HUD's list of family obligations and Administrative Plan requirements.

### **E. OVER-HOUSED, UNDER-HOUSED, & ACCESSIBLE UNITS (24 CFR § 983.260)**

If a family is occupying either a wrong-sized unit or one with accessibility features that the family does not require, and the unit is needed by a family that requires those accessibility

features, CMHA is responsible for notifying the family and the property owner of this determination, and CMHA must offer continued assistance in another unit.

Continued assistance after moving from the unit could include Tenant-based rental assistance.

In the situation where CMHA offers the family the opportunity to receive tenant-based rental assistance under the Voucher Program, CMHA must terminate the housing assistance for the wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension that may be granted).

## **F. OCCUPANCY**

CMHA will not maintain a General Project-Based Voucher Waiting List. Site-based PBV waiting lists will be maintained for Project-Based Vouchers. Admissions and eligibility screening for applicants to the project-based voucher program shall be conducted in accordance with this Administrative Plan and HUD regulations. All available project-based voucher units will be leased by persons referred to CMHA from the site-based Project-Based Voucher Waiting List(s). Property Owners of PBV properties will refer applicants to CMHA for PBV/HCV screening and admission. RAD/PBV sites owned by CMHA will also maintain site-based waiting lists and will make referrals for new residents as regular Project-Based Voucher property owners.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 25: RAD-RENTAL ASSISTANCE DEMONSTRATION PROJECT-BASED VOUCHER PROGRAM**

#### **RENTAL ASSISTANCE DEMONSTRATION PBVS (RAD PBV)**

The Columbus Metropolitan Housing Authority was a successful applicant in the Rental Assistance Demonstration (RAD). As a result, CMHA will be converting its former Public Housing units to Project-Based Vouchers under the guidelines of PIH Notice H-2019-09 PIH-201923 (HA) and any successor Notices.

Except as otherwise noted in this part of Chapter 25, or unless specifically prohibited by RAD PBV program regulations, CMHA policies for the project-based voucher program contained in this administrative plan also apply to the RAD-PBV program and its participants.

#### **RAD PBV HAP CONTRACT**

The HAP contract does not need to list the specific units covered by the HAP contract. The requirements in 24 CFR 983.203© that the HAP contract provide “the location of each contract unit” and “the area of each contract unit” have been waived by HUD. Instead, the HAP contract must specify the number and type of units in the property that are designated as RAD PBV units.

The initial HAP contract term for RAD PBV will be for at least 15 years and up to 20 years upon approval of the administering voucher agency. Upon expiration of the initial HAP contract and each renewal HAP contract, the HAP contract will be automatically renewed subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal.

#### **CONTRACT RENTS**

##### **Initial Contract Rent**

- HUD will calculate initial contracts rents for each development. HUD will calculate initial contract rents for every public housing development based on each development’s subsidy under the public housing program. All RAD applications, including applications for Portfolio or Multi-Phase awards, will have initial contract rents based on their “RAD rent base year.

##### **Rent Increases**

- RAD/PBV contract rents are increased based on OCAF (Operating Cost Adjustment Factors). At RAD/PBV-LIHTC Properties, Max rents cannot exceed Tax Credit rents established annually by the Ohio Housing Finance Agency. Tenant Rent will be determined based on Chapter 8 parts 3 and 4 (Verifying Income and Assets & Mandatory Deductions). For adjustments in rent, at the HAP Contract anniversary date, a third-party

(Go-Section 8) (24 CFR § 983.301) will be responsible for processing rent adjustments at each of CMHA's RAD PBV developments based on Operating Cost Adjustment Factors (OCAF). Rent adjustments should be submitted at least 120 days prior to the HAP contact anniversary date. CMHA will complete a rent reasonableness assessment following 24 CFR § 983.303.

- However, the rent to property owner shall not be reduced below the initial rent to property owner for dwelling units under the initial HAP contract unless (1) to correct errors in calculations in accordance with HUD requirements; (2) if additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR 983.55; or (3) if a decrease in rent to property owner is required based on changes in the allocation of responsibility for utilities between the property owner and the tenant.

## **RAD PBV RESIDENT RIGHTS AND PARTICIPATION**

### **No Re-screening of Tenant upon Conversion**

Right-to-Return residents who were Public Housing residents at the time of conversion are automatically eligible to be (re)housed at a converted RAD/PBV property. Former public housing clients who remain at RAD converted PBV developments are not subject to rescreening, income eligibility, or income targeting provisions. These households will still be subject to any ongoing eligibility requirements for actions that occur during tenancy.

### **Eligibility**

RAD/PBV properties must adhere to the HCV/PBV eligibility requirements stated in Chapter 3 (Eligibility for Admission) and Chapter 24 (Project-Based Voucher Program) of this Administrative Plan.

For new prospective clients/tenants, before CMHA RAD PBV eligibility is determined, there may be an additional Low-Income Housing Tax Credit (LIHTC) application as well as additional screening performed by property management on-site of each CMHA RAD PBV community. After on-site screening is completed, the applicant/client will be referred to CMHA's Applications, Intake and Contract Department to complete CMHA's screening process. Additional eligibility requirements could be applicable for certain RAD/PBV developments (i.e., Senior /62 and older developments).

New RAD/PBV must be appropriately housed following PBV rules stated in 24 CFR § 983.253 and 983.260. All RAD/PBV units leased to each family must be appropriate for the size of the family under CMHA's subsidy standards. Additionally, if a new RAD/PBV family becomes wrong-sized, CMHA can offer continued housing assistance subsidy eligible participant families in the following forms:

- Project-based voucher assistance in an appropriate-size unit (in the same development or in another development); or
- Tenant-based rental assistance under the voucher program.

## **Applications**

Prospective RAD/PBV applicants will follow CMHA application procedures stated in Chapter 4 (Application Policies and Procedures) and Chapter 24 (Project-Based Voucher Program) of this Administrative Plan. Applications will be filled out on a site-based basis as waitlist are open at each RAD/PBV development. Applicants will be pulled from the waitlist based on family composition or ADA requirements matching the bedroom size of the available unit.

## **Waitlists**

CMHA's RAD PBV properties will maintain site-based waitlists for its applicants. Applicants for the now-former public housing site waitlists will have their applications transferred over to the RAD PBV waitlists which will administered by CMHA or its designee. These clients will be placed at the top of the site-based waitlists. New applicants will be added on a first come-first-serve basis. Additional preferences could be granted for waitlist placement. Waitlists will be opened and closed as determined by property management at each individual RAD/PBV development and CMHA Asset Management. All waitlist administration will be maintained by on-site property management at the direction of CMHA Asset Management in accordance with HUD regulations. Waitlist will also be maintained based on the site-based Tenant Selection Plan (TSP) approved by CMHA Asset Management. CMHA reserves the right to move applicants to the top of any RAD/PBV waitlist as a special accommodation for the following reasons:

- Emergency Transfers
- VAWA
- Special Projects

## **Screening**

CMHA will screen new prospective RAD/PBV applicants in accordance with Chapters 6 (Determination of Voucher Size), 7 (Income and Payment Determinations), 8 (Verification of Family Information) and 17 (Denial or Terminal of HCV Program Assistance). Site-based screening will be performed by property management based on the property's Tenant Selection Plan (TSP).

## **Eligibility for Continued Occupancy**

New RAD/PBV residents will follow HCV and PBV requirements for continued occupancy based on provisions stated in this Administrative Plan and HUD regulations stated in 24 CFR § 982 and 983.

Right-to Return/Former Public Housing residents who were residents at RAD/PBV prior to conversions will abide by different rules for continued occupancy.

- Over Subsidy
  - o For Right-to-Return clients, if at the time of conversion, the resident's total tenant payment (TTP) exceeds the Gross Rent of the unit, the tenant will be required to pay (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. The unit will be considered part of the

HAP contract and will remain eligible to receive future assistance should the resident's income decrease. In addition, the regulation requiring termination of assistance if a household does not receive subsidy for 180 days is also waived. Following conversion, all PBV over subsidy regulations will apply. This provision is not applicable to new residents to CMHA RAD PBV communities.

- For new RAD/PBV clients who become over subsidy, over subsidy rules will apply as stated in this Administrative Plan, Chapter 22 and will have 180 days of not receiving an assistance payment with eligibility for such payments to 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 and assistance at RAD/PBV developments will automatically terminate. At this time, residency at the RAD/PBV will also 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.

All residents at RAD/PBV properties Low-Income Housing Tax Credits will have to also complete LIHTC documentation on annual basis for continued occupancy along HUD HCV/PBV requirements. All RAD/PBV residents will be required to complete reexaminations including annual reexaminations as well as interim reexaminations following this Administrative Plan, Chapter 15 (Interim Reexaminations and Rent Determinations).

### **Utility Allowances**

CMHA will maintain a utility allowance schedule for all tenant-paid utilities in accordance with this Administrative Plan, Chapter 7, Part 3; and this Administrative Plan Chapter 13 as well as 24 § CFR 983.301(f)(2)(ii) and 24 CFR § 982.517. The utility allowances RAD PBV developments are set for each unit type prior to conversion shall be included in the HAP contract. The utility allowances would become effective for each family at conversion for former Public Housing Residents and effective for new RAD/PBV residents at move-in.

### **Grievance Process**

24 CFR § 966 which outlines grievance rights under the Public Housing Program will no longer apply to new residents or former public housing residents in RAD PBV developments. Clients/residents living converted RAD/PBV developments will follow a grievance procedure that in accordance with 24 CFR § 982.555 with exception to 24 CFR 982.555(b). Contrary to 24 982.555(b), at RAD/PBV sites an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Development Property Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

1. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), the contract administrator will perform the hearing, which is current procedure under the HCV/PBV program.
2. Other hearings under RAD will be performed at the RAD/PBV site by the development property owner or its designee.

Additionally, there will be no informal hearing for class grievances or for disputes between residents at RAD/PBV developments that do not involve the Development Property Owner or

CMHA. The Development property owner will give notice of the grievance procedures to RAD/PBV residents and will provide an opportunity for an informal hearing before an eviction.

For example, RAD PBV residents get public housing notice requirements in the case of terminations (i.e., 14 days for nonpayment of rent, etc.) and then, they have additional rights to grieve with the development property owner for issues related to their leases that normal Housing Choice Voucher (HCV) participants do not have. Furthermore, they have expanded reasons they can grieve with the PHA.

- In addition to the regulations at 24 CFR 983.257, the termination procedure for RAD conversions require PHAs to provide adequate written notice of lease termination, which is:
  - o A reasonable period of time, but not to exceed 30 days if the health or safety of other tenants, development property owner employees, or persons residing in the immediate vicinity of the premises is threatened; or, in the event of any drug-related or violent criminal activity or any felony conviction;
  - o Not less than 14 days in the case of nonpayment of rent; and
  - o Not less than 30 days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply.

## **HQS Inspections**

The PBV requirements related to inspection shall apply to all RAD PBV units. Inspections will be completed by a third-party contracted by CMHA.

Under current regulations at 24 CFR § 983.103(b) and this Administrative Plan, Chapter 11 (Inspections and Housing Quality Standards) a unit covered under a HAP Contract must be inspected and must meet HQS before assistance can be paid on behalf of a household. RAD PBV HAP Contract units must be inspected to ensure compliance with HQS prior to payment of any assistance on behalf of a family. When construction or rehabilitation is occurring under RAD at converted developments, HUD requires that all units meet HQS no later than the date of completion of the work as indicated in the RAD Commitment to Close. Consequently, HUD is waiving and establishing an alternative requirement to 24 CFR § 983.103(b) and section 8(o)(8)(A) of the Act in such cases.

## **FORMER PUBLIC HOUSING RESIDENT RIGHTS AND PARTICIPATION**

### **Relocation Requirements [24 CFR § 983.7]**

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) [42 U.S.C. 420 1-4655] and implementing regulations at 49 CFR § 24.

The cost of required relocation assistance may be paid with funds provided by the property owner, local public funds, or funds available from other sources. CMHA may not use voucher program funds to cover relocation costs, except that CMHA may use its administrative fee

reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR § 982.155 and other official HUD issuances.

The acquisition of real property for a PBV development is subject to the URA and 49 CFR § 24 (b). It is the responsibility of CMHA to ensure the property owner complies with these requirements.

### **Earned Income Disregard (EID)**

Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV development, the provision in 24 CFR § 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver. To facilitate the uniform treatment of residents and units at a Covered Development, any non-RAD PBV units located in the same Covered Development shall be subject to the terms of this provision.

### **Phase-in of Tenant Rent Increases**

Flat rents are eliminated in the RAD Program. Residents can only pay income-based rent in the RAD program. For any former Public Housing tenant remaining at CMHA RAD PBV after conversion what as a Flat Renter and who's monthly rent increased by 10% or \$25 purely because of the conversion, CMHA will phase in the increase in rent over a three-year period. To implement the Phase-In, the baseline amount for the rent increase should be based off the TTP from the most recent 50058 recorded prior to conversion. If a family in a development converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, CMHA should use the flat rent amount to calculate the phase-in amount for Year 1.

Three Year Phase-in (non-LIHTC):

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP

- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP

Three Year Phase-in (LIHTC):

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the lower of Calculated PBV TTP or LIHTC Max Rent
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the lower of Calculated PBV TTP or LIHTC Max Rent
- Year 3: Year 3 AR and all subsequent recertifications – the lower of Full Calculated PBV TTP or LIHTC Max Rent

LIHTC Maximum Rents

- For properties where Low-Income Housing Tax Credits are present, maximum rents are established by the Ohio Housing Finance Agency (OHFA) on an annual basis. Below are the most recent LIHTC rents for Franklin County (OH) and are in effect until superseded.

		<b>Efficiency</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>
<b>FRANKLIN COUNTY</b>	<b>50% Rent</b>	\$682	\$731	\$877	\$1014	\$1131	\$1248
<i>Effective 4/24/2019</i>	<b>60% Rent</b>	\$819	\$877	\$1053	\$1217	\$1357	\$1498

CMHA Public Housing Flat Rents

- The chart below lists the Public Housing Flat Rents prior to RAD Conversion at CMHA owned properties.

<b>Public Housing Flat Rents</b>				
	<b>1bd</b>	<b>2bd</b>	<b>3bd</b>	<b>4bd</b>
<i>Eastmoor Square</i>		\$ 450.00		
<i>Glenview Estates</i>		\$ 525.00	\$ 550.00	
<i>Indian Meadows</i>		\$ 575.00	\$ 675.00	
<i>Jenkins Terrace</i>	\$ 734.00	\$ 882.00		
<i>New Village Homes</i>		\$ 750.00	\$ 850.00	
<i>Legacy Pointe</i>		\$ 766.00	\$ 1,004.00	
<i>Ohio Townhouses</i>		\$ 525.00	\$ 600.00	
<i>Post Oak Station</i>		\$ 500.00	\$ 525.00	
<i>Rosewind</i>	\$ 663.00	\$ 800.00	\$ 907.00	\$ 1,003.00
<i>Sawyer Manor</i>		\$ 590.00	\$ 640.00	\$ 690.00
<i>The Meadows</i>		\$ 802.00	\$ 922.00	\$ 1,019.00

<i>Trevitt Heights</i>			\$ 575.00	\$ 675.00
<i>Worley Terrace</i>	\$ 734.00			
<i>Waggoner Senior</i>	\$ 647.00			

### **RAD/PBV Family Self Sufficiency Participants**

Former PH FSS clients will have their FSS participation transfer over to HCV FSS participation with CMHA setting up a separate PH and HCV escrow accounts for the transferring FSS participant. CMHA will maintain HUD compliance for both PH FSS and HCV FSS programs.

### **Over housed and Underhoused units**

24 CFR § 983.260 is waived for former Public Housing residents. With all tenants in place at the conversion having the right to return, CMHA will attempt to right-size over housed or underhoused tenants as much as possible should they remain on-site after the conversion. These tenants can remain over or underhoused until an appropriately sized unit becomes available or the tenant leaves the unit.

### **RAD/PBV LEASING**

Leases at RAD/PBV developments must meet requirements listed in 24 CFR § 983.256 as well as the following:

- Names of property owner and the tenant
- Unit Rented
- Term of Lease
  - o Initial lease term must be for 1 year
  - o Right-to-Return clients must have a lease effective that matches the effective date of the RAD PBV HAP Contract
- The amount of tenant rent to the property owner
- Specifications of any services, maintenance, equipment, and utilities to be provided by the property owner
- Renewal requirement upon lease expiration (unless there is good cause for non-renewal)
- The resident procedural rights (RAD Notice: Section 1.6.C.7)
- Tenancy Addendum (Form HUD-52530-c)
- Statement of Family Responsibilities

### **Renewal of Lease**

CMHA must renew all leases upon lease expiration, unless cause exists. This provision must be incorporated by the PBV property owner into the tenant lease or tenancy addendum, as appropriate.

### **RAD PBV Leasing Process for Right-To-Return Clients**

Prior to conversion, CMHA must hold a voucher briefing for all clients that wish to remain on-site after conversion. All clients moving into RAD PBV unit must also sign the PBV Statement of Family Responsibilities (Form HUD-5257b) prior to moving into a RAD PBV unit along with signing their new PBV lease. For Right-to Return clients, security deposits from their former CMHA public housing unit will be carried over as the security deposit into their new RAD PBV unit. For new RAD PBV clients, security deposits cannot be more than Fair Market Rent (FMR).

**RESIDENT PARTICIPATION AND FUNDING**

Residents of covered developments converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding contingent upon funding availability.

**CHOICE-MOBILITY**

Under the RAD-PBV program, converting residents are eligible and will have the right to move with a tenant based rental assistance voucher after 12 months of occupancy after conversion. (24 CFR 983.260). Once the initial converting resident vacates, all PBV waivers/requirements shall apply. The tenant-based voucher will originate from the HA’s existing voucher supply and is subject to availability. If a tenant-based rental assistance voucher is unavailable for a RAD-PBV conversion household, the family will be placed on a waiting list until such time a designated Choice Mobility voucher becomes available.

**RAD CONVERTED FORMER PUBLIC HOUSING PROPERTIES AS OF 2019**

<b>PROPERTY NAME</b>	<b>UNIT COUNT</b>
Sawyer Manor/Trevitt Heights	253
Rosewind	230
Jenkins Terrace	100
Worley Terrace	100
Ohio Townhouses	80
Glenview Estates	50
Eastmoor Square	53
Indian Meadows	72
Poindexter Place	34

**Accessibility**

- At CMHA RAD PBV properties, accessible units will be in place in adherence with requirements stated in the Section 504 of the Rehabilitation Act of 1973 (Section 504), the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
- Prospective clients wishing to reside in these accessible units need to
  - o Be certified as disabled as CMHA HCV/PBV client and complete any supporting documentation (as stated in the 504 sections in this Admin Plan)

- Inform property management of the request for the accessible unit.
- Non-ADA client can be placed in a RAD/PBV ADA unit
  - Must be willing to move to a non-ADA upon availability due to vacancy
- ADA Units at CMHA RAD/PBV Properties

<b>PROPERTY NAME</b>	<b>ADA UNIT COUNT</b>
Jenkins Terrace	5 (HDCP Roll in Showers)
Worley Terrace	6 (Wheelchair Accessible Units)
Ohio Townhouses	4
Glenview Estates	3
Eastmoor Square	3
Indian Meadows	4
Poindexter Place	104

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 26: VIOLENCE AGAINST WOMEN ACT (VAWA)**

#### **CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE SEXUAL ASSAULT OR STALKING (SECTION 606 AND 607 OF VAWA)**

The property owner, manager, or CMHA may request that an individual certify in writing via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The certification form will be completed, signed, and dated by the victim to certify he/she is the victim of domestic violence, dating violence, sexual assault, or stalking, and that the incident or incidences are bona fide incidences of such actual or threatened abuse. The victim shall include the name of the perpetrator. The individual shall provide such certification within 14 business days after the property owner, manager, or public housing agency requests such certification. Other acceptable documentation in lieu of or in addition to the certification form:

1. Federal, State, tribal, territorial, or local police or court record.
2. Documentation signed and attested to by an employee, agent or volunteer of victim service providers, an attorney, or a medical professional from whom the victim has sought assistance in addressing the domestic violence or abuse. The professional must attest under penalty of perjury (28U.S.C. 1746) that to their belief that the incident or incidents in question are bona fide incidents of abuse.

The provisions stated in this chapter follow HUD Guidance from The VAWA Final Rules (24 CFR 982.354-HCV and 24 CFR 983.261(c)(1)-PBV) as well as PIH Notice 2017-08 (HA) and 24 CFR § 5.2005(a).

If an applicant is otherwise eligible, admission to the program may not be denied to or *terminated from* the program on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. PHAs must notify applicants that protections are available to victims under the Violence Against Women and Department of Justice Reauthorization Act of 2005 and the Violence Against Women Reauthorization Act 2013.

#### **CONFIDENTIALITY – VIOLENCE AGAINST WOMEN ACT**

All information provided to the property owner, manager, or public housing agency pursuant to the certification requirement including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by the property owner, manager, or public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is:

1. Requested or consented to by the individual in writing;
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

## APPLICABILITY (24 CFR § 5.2001)

## DEFINITIONS (24 CFR § 5.2003)

- *Actual and imminent threat*
  - refers to a real physical danger, that would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
- *Affiliated individual*
  - A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
  - Any individual, tenant, or lawful occupant living in the household of that individual.
- *Bifurcate*
  - means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed, and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.
- *Covered housing program*
  - consists of the following HUD programs that are address in this Admin Plan:
    - HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX)
- *Covered housing provider*
  - refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, property owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit, or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that performs the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be

performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

- *Dating violence*
  - o means violence committed by a person:
    - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - The length of the relationship;
      - The type of relationship; and
      - The frequency of interaction between the persons involved in the relationship.
- *Domestic violence*
  - o includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- *Sexual assault*
  - o means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- *Stalking*
  - o means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - Fear for the person's individual safety or the safety of others; or
    - Suffer substantial emotional distress.
- *VAWA*
  - o means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*).

#### VAWA PROTECTIONS (24 CFR § 5.2005)

- *Notification of occupancy rights under VAWA, and certification form.*
  - o *CMHA must provide to each of its applicants and to each of its tenants the notice of occupancy rights and the certification form*
  - o This form will explain the VAWA protections, including the right to confidentiality, and any limitations on those protections; and

- A certification form, in a form approved by HUD, to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking, and that:
  - States that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
  - States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under this subpart meets the applicable definition for such incident under 24 CFR §5.2003; and
  - Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.
- *Prohibited basis for denial or termination of assistance or eviction*
  - *General.* An applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.
  - *Termination on the basis of criminal activity.* A tenant in a covered housing program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:
    - The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and
    - The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.
  - An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:
    - (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
    - (2) Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

MODEL EMERGENCY TRANSFER PLAN FOR  
U.S. Department of Housing and Urban Development  
VICTIMS OF DOMESTIC VIOLENCE, DATING  
OMB Approval No. 2577-0286  
VIOLENCE, SEXUAL ASSAULT, OR STALKING  
Expires 06/30/2017

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking [Form HUD-5381(12/2016)] (24 CFR § 5.2005 (e))**

#### **Emergency Transfers**

**Columbus Metropolitan Housing Authority (CMHA)** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> CMHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation<sup>2</sup>. The ability of CMHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether CMHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **Public Housing and Housing Choice Voucher Program** is in compliance with VAWA.

#### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

1 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

2 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify CMHA's management office and submit a written request for a transfer to **CMHA's VAWA Coordinator**. CMHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under CMHA's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

CMHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives CMHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act for All Tenants for more information about CMHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

CMHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. CMHA will, however, function as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. CMHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If

CMHA has no safe and vacant units for which a tenant who needs an emergency is eligible, CMHA will assist the tenant in identifying other housing providers who may have safe and vacant units to which the tenant could move. At the tenant's request, CMHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE or visit the online hotline at <https://ohl.rainn.org/online/>. Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

# Help for Victims of Family Violence



## Statewide Resources

No one deserves to be abused. If this is happening to you, it is not your fault. Help is available by calling any of the phone numbers listed on this sheet. Remember that you are not alone.

### HERE'S HOW TO PROTECT YOURSELF

- If you are in an emergency situation, call 911.
- Talk to a friend, neighbor, clergy person, family member, or doctor – they can be a good source of support and help.
- Make a plan in case you decide to leave. Set aside some cash, important documents, (birth certificates, social security cards, immigration papers, passports, medical insurance cards, any documentation of abuse, etc.), a spare set of keys, and a change of clothes that you can access easily in a crisis situation.
- Contact community resources to find out how they can help. They can assist you if you need a place to stay or need help taking legal action against the person who is abusing you.
- If you are thinking about leaving, do not inform the abuser/batterer.
- Be aware that the abuser/batterer can use technology to monitor your activities (cell phone, text messages, computer, Internet Web sites, GPS, etc.) [www.nnedv.org/resources/safetynetdocs.html](http://www.nnedv.org/resources/safetynetdocs.html)
- Trust your instincts.

### HERE'S HOW TO HELP OTHERS

#### To help someone who is being abused:

- Plan what you want to say, determine a good time and private place to talk alone.
- Ask questions like "How can I help you? What do you want to do about the situation?" Be supportive and listen without judgment. Give the victim plenty of time to answer.
- Don't say "Just get out" – It is not a safe piece of advice.
- Let the victim know that you believe that verbal, emotional or physical abuse in a relationship is never acceptable and not the victim's fault.
- Provide the victim with information about local resources that can help.

#### To help a child who is being abused:

- Report your suspicions of child abuse to a local children services agency.
- Link the child to a safe adult and contact ChildHelp USA.

#### To help someone who is a batterer:

- Contact the Ohio Domestic Violence Network for program referral.

### PHONE NUMBERS

EMERGENCY .....	911
Ohio Employee Assistance Program .....	800-221-6327
Optum Behavioral Solutions 24hr .....	800-852-1091
<b>Services for Children &amp; Teens:</b>	
Child Help USA .....	800-4-A-CHILD
National Runaway Hotline .....	800-621-4000
National Teen Dating Abuse Helpline .....	866-331-9474
Ohio Youth Advocate Program .....	877-692-7226
Public Children Services Assoc. of Ohio .....	614-224-5802
The Center for Family Safety and Healing .....	614-722-8200

#### Services for Adult Victims:

Action Ohio Coalition for Battered Women .....	888-622-9315
BRAVO (LGBTQI Services) .....	866-862-7286
National Domestic Violence Hotline .....	800-799-7233
Office of Criminal Justice Services, Family Violence Prevention Center .....	888-448-4842
Ohio Alliance to End Sexual Violence .....	888-886-8388
Ohio Domestic Violence Network .....	800-934-9840
Rape, Abuse & Incest Natl Network (RAINN) .....	800-656-HOPE
Sexual Assault Response Network of Central Ohio (SARCO) .....	614-267-7020

#### Legal Resources:

Ohio State Legal Services Assoc. ....	866-LAW-OHIO
---------------------------------------	--------------

#### Other Programs & Services:

ASHA Ray of Hope (South Asian Community) .....	614-326-2121
Crisis Line .....	614-565-2918
Asian American Community Services .....	614-220-4023
Ohio Dept. of Aging .....	800-266-4346
Long Term Care Ombudsman Prog. ....	800-282-1206
Ohio AG Crime Victim Services .....	800-582-2877
Ohio Hispanic Coalition .....	614-840-9934
Shalom Task Force .....	888-883-2323
Somali Community Assoc. of Ohio .....	614-262-4068

#### ONLINE RESOURCES

##### Ohio Organizations and Resources:

ASHA Ray of Hope <a href="http://www.asharayofhope.org">www.asharayofhope.org</a>
Asian American Community Services <a href="http://www.aacsohio.org">www.aacsohio.org</a>
Office of Criminal Justice Services, Family Violence Prevention Center <a href="http://www.fvpc.ohio.gov">www.fvpc.ohio.gov</a>
Ohio Alliance to End Sexual Violence <a href="http://www.oaesv.org">www.oaesv.org</a>
Ohio Department of Aging <a href="http://www.aging.ohio.gov">www.aging.ohio.gov</a>
Ohio Domestic Violence Network <a href="http://www.OOVN.org">www.OOVN.org</a>
Ohio Legal Services <a href="http://www.ohiolegalservices.org">www.ohiolegalservices.org</a>

Public Children Services Association of Ohio  
[www.pcsao.org](http://www.pcsao.org)

The Center for Family Safety and Healing  
[www.familySafetyandHealing.org](http://www.familySafetyandHealing.org)

#### National Resources:

ChildHelp USA <a href="http://www.childhelp.org">www.childhelp.org</a>
Futures Without Violence <a href="http://www.futureswithoutviolence.org">www.futureswithoutviolence.org</a>
National Coalition Against Domestic Violence <a href="http://www.ncadv.org">www.ncadv.org</a>
National Domestic Violence Hotline <a href="http://www.thehotline.org">www.thehotline.org</a>
Rape, Abuse & Incest National Network <a href="http://www.rainn.org">www.rainn.org</a>



THE CENTER FOR FAMILY  
SAFETY AND HEALING

614-722-8200

[www.FamilySafetyandHealing.org](http://www.FamilySafetyandHealing.org)

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 27: COMPLIANCE AND REPORTING**

#### **A. SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)**

CMHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that CMHA is using its resources in a manner that reflects its commitment to quality and service. CMHA policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators:

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual/Biennial HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment and Escrow Account Balances

Bonus: Deconcentration Indicator

Supervisory quality control reviews will be performed by a CMHA supervisor or the Quality Control Analyst, as required by HUD, on the following SEMAP factors:

- Selection from the waiting list
- Rent reasonableness
- Determination of adjusted income
- HQS Enforcement
- HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

#### **B. OTHER TYPES OF HUD REPORTING**

##### **PIH INFORMATION CENTER (PIC)**

PIC allows CMHA to electronically submit information to HUD.

## ENTERPRISE INCOME VERIFICATION (EIV)

The purpose of HUD's EIV System is to provide integrated family and income data reports using a sole source, via the Internet, for PHAs and HUD Field Offices to use in day-to-day operations during required annual reexaminations.

## VOUCHER MANAGEMENT SYSTEM (VMS)

The Voucher Management System (VMS) supports the information management needs of the Housing Choice Voucher (HCV) management functions performed by the Financial Management Center (FMC) and the Financial Management Division (FMD) of the Office of Public and Indian Housing and the Real Estate Management Center (PIH-REAC).

This system's primary purpose is to provide a central system to monitor and manage the Public Housing Agency (PHAs) use of vouchers. The VMS collects PHA data that enables HUD to fund, obligate, and disburse funding in a timely manner, based on actual PHA use.

### C. RECORDS FOR MONITORING CMHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, CMHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and CMHA's record retention policy; in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess its operational procedures objectively, with accuracy and in accordance with SEMAP, PIC, EIV, and VMS requirements.

In addition to the required SEMAP, PIC, EIV and VMS reporting, supervisory staff will perform on-going quality control audits of the following functions:

- Reexaminations
- New Admissions
- HQS Inspections

In order to demonstrate compliance with HUD and other pertinent regulations, CMHA will maintain records, reports and other documentation in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess CMHA's operational procedures objectively and with accuracy and in accordance with SEMAP, PIC, EIV, and VMS requirements with internal supervisory audits.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 28: CONTINUUM OF CARE (CoC) PROGRAM [fka Shelter Plus Care]**

The Continuum of Care (CoC) 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 CoC, but there are exceptions. Working in cooperation with the sponsor agencies, CMHA has responsibility for oversight and administration of the S+C Certificates.

The purpose of this Chapter is to enumerate the CoC 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 lifetime sexual offender status, no part of this Section applies to the CoC program.

### **2. Applying for Admission**

CMHA does not maintain a waiting list for the CoC 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 CoC 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 CoC program.

### **5. Proof of Property Ownership**

Sponsor agencies may request exceptions to CMHA requirements for proof of property ownership of CoC units. Effective control of the unit must be demonstrated for the term of the Certificate and the CoC Contract.

### **6. Rent Increases**

CoC Program property 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 CoC Contract.

### **7. Voucher Portability**

The portability rules of the HCV program do not apply to the CoC program. The Certificates are awarded to and then retained by sponsor agencies when a family/individual ends, leaves or is terminated from the program.

# **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

## **CHAPTER 29: SPECIAL PROGRAMS**

### **A. VETERANS AFFAIRS SUPPORTIVE HOUSING-VASH (77 FR § 17086)**

#### **Background**

VASH combines Housing Choice Voucher rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). The VA makes referrals for VASH applicants in addition to Tenant-Based vouchers, Project-Based vouchers are offered.

#### **1. Criteria for Admission Eligibility/Screening**

In accordance with 77 FR § 17086, Veterans Administration HUD–VASH case managers will screen all families in accordance with VA screening criteria. By agreeing to administer the HUD–VASH program, CMHA has relinquished its authority to determine the eligibility of families in accordance with regular HCV program rules and CMHA policies. Specifically, under the HUD–VASH program, CMHA does not have the authority to screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR § 982.552 (broad denial for violations of HCV program requirements) and 24 CFR § 982.553 (specific denial for criminals and alcohol abusers), with one exception: CMHA is required to prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

#### **2. Admissions**

VA HUD–VASH case managers will refer HUD–VASH-eligible families to CMHA for the issuance of vouchers. CMHA must accept referrals from its VA partner. Written documentation of these referrals must be maintained in the tenant file by CMHA. Therefore, CMHA will not have the authority to maintain a waiting list or apply local preferences for HUD–VASH vouchers.

#### **3. Income Targeting**

CMHA may choose to include the admission of extremely low-income HUD–VASH families in its income targeting numbers for the fiscal year in which these families are admitted.

#### **4. Minimum Rent**

CMHA may not deny admission to a HUD-VASH family with zero income and must consider hardship circumstances before charging a minimum rent in accordance with 24 CFR § 5.630(b).

#### **5. Voucher Portability**

HUD-VASH participants are eligible for voucher portability but must initiate the portability process with their HUD-VASH case manager.

## **6. Case Management**

As a condition of receiving HCV rental assistance, a HUD–VASH-eligible family must receive the case management services from the VA Medical Center (VAMC) or a Community-Based Outpatient Clinic (CBOC). Therefore, a HUD–VASH participant family’s HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC or CBOC. However, a VAMC or CBOC determination that the participant family no longer requires case management is not grounds for termination of assistance. In such a case, at its option, CMHA may offer the family continued HCV assistance through one of its regular vouchers, to free up the HUD–VASH voucher for another eligible family referred by the VAMC or CBOC. If CMHA has no voucher to offer, the family will retain its HUD–VASH voucher until such time as CMHA has an available voucher for the family. If the family no longer requires case management, there are no portability restrictions. Normal portability rules apply.

## **7. Termination of Assistance**

HUD has not established any alternative requirements for termination of assistance for HUD–VASH participants. When considering terminating HUD–VASH participants, CMHA will exercise their discretion under 24 CFR § 982.552(c)(2) as well as Chapter 17 of this Administrative Plan and consider all relevant circumstances of the specific case, including granting reasonable accommodations for persons with disabilities in accordance with 24 CFR § 8 and Chapter 2 of this Administrative Plan. CMHA will also coordinate with HUD-VASH Case Management to mitigate conditions that may lead to the potential termination, prior to determining whether to terminate assistance. In addition, a HUD–VASH participant family must not be terminated after admission, for a circumstance or activity that occurred before admission and was known to CMHA but could not be considered at the time of admission due to the HUD–VASH Operating Requirements. CMHA can terminate the family’s assistance only for program violations that occur after the family’s admission to the voucher program.

### **B. MAINSTREAM VOUCHERS (PIH 2020-01)**

#### **1. Background**

Mainstream Vouchers assist non-elderly persons with disabilities. Mainstream Vouchers are regular HCVs with special eligibility criteria. Aside from serving a special population, Mainstream vouchers are administered using the same rules as other housing choice vouchers. Funding and financial reporting for the Mainstream Voucher Program is separate from the regular tenant-based voucher program. While Mainstream Vouchers serve non-elderly persons with disabilities, they are not “NED” vouchers. The funding, monitoring, and eligibility requirements are different for NED and Mainstream Vouchers.

#### **2. Eligibility**

All Mainstream Vouchers will now serve households that include a non-elderly person(s) with disabilities, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old at the effective date of the initial Housing Assistance Payment (HAP) Contract.

### **3. Administration**

Aside from separate funding appropriations and serving a specific population, Mainstream Vouchers are regulated under the same program requirements as the HCV Program. The same regulations at 24 CFR § 982 apply to Mainstream Vouchers. Mainstream Voucher applicants will be pulled from CMHA's HCV waitlist.

### **4. Portability**

If a Mainstream Voucher participant ports to another PHA and the receiving PHA chooses to bill the initial PHA, then the voucher will remain a Mainstream Voucher. If the PHA chooses to absorb the voucher, the voucher will be considered a regular voucher, or a Mainstream Voucher if the receiving PHA has a Mainstream Voucher available, and the Mainstream Voucher at the initial PHA will be freed up to lease to another Mainstream-eligible family.

### **5. Supportive Services**

CMHA may establish partnerships for supportive services that can be offered to Mainstream Voucher holders.

## **C. FAMILY UNIFICATION VOUCHERS (FUP)**

### **1. Background**

The Family Unification Program (FUP) is a program under which Housing Choice Vouchers (HCVs) are provided to two different populations:

1. Families for whom the lack of adequate housing is a primary factor in:
  - a. The imminent placement of the family's child or children in out-of-home care, or
  - b. The delay in the discharge of the child or children to the family from out-of-home care.  
*There is no time limitation on FUP family vouchers.*
2. For a period not to exceed 36 months, otherwise eligible youths who have attained at least 18 years and not more than 24 years of age and who have left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act and is homeless or is at risk of becoming homeless at age 16 or older.

CMHA administers the FUP in partnership with Franklin County Children's Services (FCCS) who is responsible for referring FUP families and youths to CMHA for determination of

eligibility for rental assistance. Once FCCS makes the referral, CMHA places the FUP applicant on its waiting list, determines whether the family or youth meets HCV program eligibility requirements, and conducts all other processes relating to voucher issuance and administration.

In addition to rental assistance, supportive services are provided by FCCS to FUP youths for the entire 18 months in which the youth participates in the program; examples of the skills targeted by these services include money management skills, job preparation, educational counseling, and proper nutrition and meal preparation.

## **2. Eligibility**

To be eligible, applicants must meet specific FUP eligibility requirements as well as HCV eligibility requirements. FCCS must certify that the family or youth meets specific program requirements. For families, FCCS will certify that this is a family for whom the lack of adequate housing is a primary factor in either the:

- Imminent placement of the family's child or children in out-of-home care, or
- Delay of discharge of a child or children to the family from out-of-home care.

A family meets the definition of “lack of adequate housing” if a family or youth is:

- Living in substandard or dilapidated housing. • Homeless. • In imminent danger of losing their home.
- Displaced by domestic violence.
- Living in an overcrowded unit.
- Living in housing not accessible to the family’s disabled child or children, or to the youth due to the nature of the disability.

For youth, FCCS will certify that the youth is at least 18 years old and not more than 24 years old (has not reached his/her 25th birthday), that he/she left foster care at age 16 or older or will leave foster care within 90 days, in accordance with a transition plan, and is homeless or at risk of homelessness.

A youth meets the definition of “at risk of homelessness” if the youth:

- Has an annual income below 30 percent of median household income for the area, as determined by HUD;
- Does not have sufficient resources or support networks, e.g., family, friends, faith based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section; and
- Meets one of the following conditions:
  - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
  - b. Is living in the home of another because of economic hardship;
  - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

- d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
- e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
- f. Is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness;

A youth may also be “at risk of homelessness” if the youth meets the definition of homeless under a number of other federal programs. For more information, please see 24 CFR § 576.2.

### **3. Administration**

Where FCCS will refer applicants, CMHA will determine if the family or the youth meets HCV program requirements, including income eligibility. After HCV eligibility is determined, CMHA may issue a voucher to the FUP applicant. After the family or youth locates a unit that passes HQS Inspection and the HAP contract is executed, FUP clients will follow HCV rules in accordance with 24 CFR § 982 administered and enforced by CMHA including Portability rules.

## **D. NON-ELDERLY DISABLED (NED) VOUCHERS [PIH 2013-19]**

### **1. Background**

NED HCVs enables non-elderly disabled families to lease affordable private housing of their choice. NED vouchers also assist persons with disabilities who often face difficulties in locating suitable and accessible housing on the private market.

### **2. Eligibility**

Only income eligible families whose head of household, spouse or co-head is non-elderly (under age 62) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible. Applicants will be selected from CMHA's HCV waiting list.

### **3. Administration**

HCV rules are still applicable to the Administration of NED vouchers. The same regulations that cover regular vouchers also cover NED vouchers. These regulations are found in 24 CFR § 982. The only difference with NED vouchers is the population that must be served. NED voucher applicants will be pulled from the HCV maintained by CMHA. When an eligible NED family comes to the top of CMHA’s HCV waiting list and a voucher becomes available, CMHA can issue a NED voucher to the family. CMHA will provide NED families that include a person with

disabilities with a current listing of accessible units known to CMHA that may be available. NED Vouchers are also eligible and subject to Portability Rules. When NED families exit the program and their NED vouchers turnover, CMHA must reissue those vouchers to other eligible non-elderly disabled families on CMHA's waiting list.

#### **4. "Aging Out" of NED**

Existing NED participant families DO NOT "age out" of the NED program as long as the family was eligible on the day it was first assisted under a housing assistance payments (HAP) contract or the date it was established as a NED family in PIC pursuant to this notice. By "aging out," this notice is referring to cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher.

## **COLUMBUS METROPOLITAN HOUSING AUTHORITY**

### **CHAPTER 30: EMERGENCY HOUSING VOUCHERS (EHV)**

Anyone who wishes to receive an EHV must complete an application. The application must include a signature certifying the accuracy and completeness of the information provided. If the applicant meets the Continuum of Care (CoC) Coordinated Entry (CE) metrics, the application process will continue. The CoC will document the name of the applicant(s), the date and time of application, income level, need for an accessible unit, contact information, removed/rejected date and time, referral date, and preference type/code.

The CoC (referral organization) will comply and promote equal housing choice vouchers for all prospective residents regardless of race, ethnicity, color, religion, sex, sexual orientation, gender identity, non-binary, disability, familial status, national origin, and/or limited English proficiency. These factors will be assessed in order to eliminate institutional racism, systemic racism, and implicit bias. The purpose is to ensure that eligible families of similar income levels will have a similar range of housing opportunities. The CoC will assess, market, and make special efforts to embed the principles of racial equity in these areas and will seek to attract persons who are least likely to apply.

HUD is committed to working with CoCs, PHAs, and supporting communities advancing their efforts to be more equitable and to close racial disparities. Marketing will also seek to reach potential applicants outside the immediate area if marketing only within the facility or service area would create a disparate impact against certain classes, such as the case of an entire facility or service area that includes no minorities.

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having considerable risk of housing instability

Applicants will be referred from the CoC to CMHA based on selection preference(s) for which they qualify as well as an evaluation process in accordance with the CoCs CE.

#### **Services to be provided to eligible EHV families**

CMHA has entered into a Memorandum of Understanding (MOU) and partnership with the local CoC and their Service Providers (SP) in Columbus, Ohio. All EHV's must be referred to CMHA through the CoC/SP's CE system to ensure compliance with HUD guidelines.

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance, while aiding households in addressing barriers.
2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.
4. Partnering service providers will provide housing search assistance for eligible individuals and families.
5. Partnering service providers will provide counseling on compliance with rental lease requirements.
6. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
7. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

When providing HCV assistance, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used. EHV's will be issued from inception to September 30, 2023, but may not be issued after that date. EHV's that were never issued, may be issued until September 30, 2030. EHV's expire September 30, 2030.

### **Portability**

There is no prohibition on portability for non-resident(s) in the PHAs jurisdiction. CMHA will not limit the right to portability at any time. This includes immediate portability, although "the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies..."

### **Payment Standard, Utility Allowance, and HAP Calculation**

CMHA has implemented 120% (allowed by HUD) of the current Fair Market Rent for all Bedroom types. CMHA will follow HUD-approved Payment Standards each year. The utility allowances remain the same for CMHA's Vouchers and follow HUD guidelines. The HAP for an assisted occupant with an EHV will be the HUD-standard calculation of 30% of the Adjusted Monthly Income of the family and follow HUD guidelines. There is no Minimum Rent for EHV's.

### **EHV Denial of Assistance and Additional EHV Waivers**

The HCV program regulations at § 982.552 and § 982.553 cover the grounds under which a PHA may deny an applicant admission to the program and in certain cases is required to do so.

Waiver – Screening: CMHA has chosen the minimum standards in this regard and these grounds include the following:

1. The PHA must apply the standards it established under § 982.553(a)(1)(ii)(C) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.

2. The PHA must apply the standards it established under § 982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program to EHV applicants.

Additionally, CMHA will implement the following waivers for EHV's:

**Income:** "Accepting self-certifications and allowing for the delay of receipt of documentation and/or third-party verification will allow the CoC/partnering agency to assist the family in obtaining the necessary documentation without unduly delaying the family's housing assistance... PHAs that conduct eligibility determinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later and must take necessary enforcement actions if the tenant was never eligible due to their income, as well as initiate HUD-compliant payment plans for those whose unreported income was unintentional and do not make the tenant ineligible for the program accordingly. The adoption of this waiver does not authorize any ineligible family to receive assistance under these programs. If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program."

**Waiver for Income while awaiting 3rd Party Verifications:** "CMHA will implement this waiver allowing 30-Days to 3rd Party Verify." **Income Targeting:** HUD Notice PIH 2021-15 and allows CMHA to go up to the HUD "Low-Income Limit" for EHV's.

**Waiver for Income Targeting:** "The PHA must determine income eligibility for EHV families in accordance with § 982.201. However, the income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2) are waived and do not apply for EHV families so that participating PHAs can effectively serve individuals and families in all the eligibility categories under the ARP who may be at a variety of income levels, including low-income families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted. In conformance with normal program rules, PHAs may not deny admission to a family with zero income and must consider hardship circumstances before charging a minimum rent in accordance with § 5.630(b)."

**Citizenship Rule:** "HCV applicants must disclose and document and PHAs must verify the social security numbers (SSN) of each applicant... PHAs also must verify evidence of U.S. citizenship or eligible immigration status for noncitizens claiming eligibility for assistance... Documentation verifying U.S. citizenship may also be requested. Since eligibility for assistance is limited to U.S. citizens and noncitizens who have eligible immigration status, families in which not all members are U.S. citizens or have eligible immigration status are only eligible to receive pro-rated housing assistance based on the percentage of family members who qualify for assistance."

Waiver for Citizenship Rule: "HUD is consequently waiving the requirement to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation."

Date of Birth: "PHAs must verify each family member's date of birth to verify identity and determine age and disability status per 24 CFR § 5.403, if claimed. These family characteristics impact the income and tenant rent calculations."

Waiver for Date of Birth: "PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV... If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program."

Use of recently conducted initial income determinations and verifications at admission: "Some families who were recently homeless but are now currently residing in rapid rehousing or are receiving other time-limited housing assistance may have had their income recently verified under that housing assistance program. Furthermore, families who are eligible for EHV assistance as victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking may be currently assisted through other subsidized housing programs such as public housing."

Waiver for recently conducted initial income determinations: "PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as the income was (1) calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and (2) the family certifies there has been no change in income or family composition in the interim... For each new admission under this waiver and alternative requirement, the PHA must: review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the PIC submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates."

Pre-inspection of HQS units: "If an EHV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517)."

Waiver for Pre-inspection of units: "...the unit may be approved as long as it meets all other conditions under § 982.305. However, the family must be free to select their unit and cannot be required to accept a pre-screened unit..."

Initial Search Term: "...the initial search term must be at least 60 days and is establishing an alternative requirement that the initial term for an EHV must be at least 120 days..."

Waiver for Initial Search Term: "CMHA gives HCV recipients 120 Days in Franklin County and will give EHV's an additional 120-Days, in 30-Day increments."

Initial Lease Term: "Under the HCV program, the family must enter into an initial lease with the property owner for at least one year, unless a shorter term would improve housing opportunities for the tenant and the shorter term is a prevailing market practice."

Waiver for Initial Lease Term: "The initial lease term for an EHV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice."

### **Housing Quality Standards (HQS)**

Standard HQS requirements apply to EHV's.

### **Services Fee (SF)**

CMHA has allocated a one-time SF of up to \$3,500.00 to support its efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families that successfully enter into a HAP Contract and lease. The SF will be paid to the LCEH or PA upon receipt of an itemized invoice for applicable activities. Note: For Property Owner incentive and/or retention payments, CMHA will pay the applicable amounts directly to the Property Owner.

Examples of these activities include:

- Housing Search: Housing search assistance is a broad term which may include many activities such as but not limited to helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family. The SP will document and include this on the SF invoice.
- Security Deposit/Utility Deposit/Rental Application/Holding Fee Uses.
  - o Application fees/non-refundable administrative or processing fees/refundable application deposit assistance (Property Owner).
  - o Holding Fees (Property Owner).
  - o Security deposit assistance.
  - o Utility deposit assistance/utility arrears.
  - o The SP will document and include this on the SF invoice.
- Property Owner-related uses.

- o Property Owner recruitment and outreach. For their portion, the SP will document and include this on the SF invoice.

- o Property Owner incentive and/or retention payments. CMHA has allocated \$500 and \$750 (based on unit size) to be subtracted from the SF for Property Owner who is initially or re-engaging with the EHV Program (\$500 for 0-2 Bedroom units and \$750 for 3 or more Bedrooms. The SF will inform the Property Owner of the availability of this incentive and/or retention payment and CMHA will pay the Property Owner directly after entering into HAP Contract and lease with an EHV recipient. To receive the full amount, The HAP Contract and lease must be for 1-year. If less than 1-year HAP/lease, CMHA will prorate the incentive payment. If the family is required to move for reasons other than something the family did or failed to do (e.g., the CMHA is terminating the HAP contract because the property owner did not fulfill the property owner responsibilities under the HAP contract, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking, for example, CMHA will seek recapture of the incentive and/or retention payment at a calculated per day rate based on the time left in the original HAP Contract/lease term.

- Other eligible uses.

- o Moving expenses (including move-in fees and deposits). CMHA will provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. CMHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., CMHA is terminating the HAP contract because the property owner did not fulfill the property owner responsibilities under the HAP contract or the property owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking, for example. The SP will document and include this on the SF invoice.

- o Tenant-readiness services. CMHA will use the SF funding to help create customized plans to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental, or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears. The SP will document and include this on the SF invoice.

- o Essential household items. CMHA will use the SF funding to assist the family with some or all of the costs of acquiring essential household items as defined by the PHA (e.g., tableware, bedding, etc.). The SP will document and include this on the SF invoice.

- o Renter's insurance if required by the lease. CMHA will use the SF funding to assist the family with some or all of the cost of renter's insurance, but only in cases where the

purchase of renter's insurance is a condition of the lease. The SP will document and include this on the SF invoice.

**GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**  
**(Several definitions found in 24 CFR § 5.403; 24 CFR § 5.603)**

**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).

**ANNUAL REEXAMINATION.** CMHA must conduct a reexamination of family income and composition at least annually. (24 CFR § 982.516)

**ASSETS.** (See Section 7, Part 1)

**ASSISTED FAMILY.** A family that receives a rental subsidy.

**CARBON MONOXIDE ALARM.** A single or multiple station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

**CARBON MONOXIDE DETECTOR.** A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

**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 property 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 is a full-time student 18 years of age or over.

**DISABILITY 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.

**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). 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.

**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. (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.

**EXTREMELY LOW-INCOME.** Refers to families whose incomes meet the very low-income threshold (50% of area median income) and do not exceed the higher of the federal poverty line or 30% of area median income. This definition became effective on July 1, 2014, ensuring working families living in areas where the federal poverty line exceeds 30% of area median income will meet the ELI income targeting requirements.

**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 property 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.

**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 property 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 for 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).

**LEASE.** A written agreement between a property 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 to a property 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 an HCV Program participant when there is an effective HAP Contract between CMHA and the property owner on behalf of the family.

**PROPERTY OWNER.** This section means either the property manager, owner, or controlling interest of the property.

**RAD.** Rental Assistance Demonstration

**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 aged 47, not disabled ).

**RENT TO PROPERTY OWNER.** This is called Contract Rent in the HCV Program. It is the total amount of rent payable to the property 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 property 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 whose 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.

**VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH).** VASH combines Housing Choice Voucher rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). The VA makes referrals for VASH applicants in addition to Tenant-Based vouchers, Project-Based vouchers are offered.

**ZERO INCOME FAMILY.** A family with any adult non-disabled members who report zero income and who are not full-time students.