

# ADMINISTRATIVE PLAN

## Section 8 Housing Choice Voucher Program

### Housing Authority of the County of Santa Cruz



The Administrative Plan contains those policies of the Housing Authority of the County of Santa Cruz that have been adopted by the Board of Commissioners, as required by [24CFR 982.54](#), governing the establishment and administration of a waiting list, the issuance of Section 8 Housing Choice Vouchers, and overall program administration. The Housing Authority reserves the right to amend the Administrative Plan.

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**March 2017**

*Please note that the electronic copy of this document contains hyperlinks to applicable HUD regulations and other references. An electronic copy of this document is available at the following website: <http://www.hacosantacruz.org/agency.htm>. If you cannot access the electronic copy of this document, copies of the referenced links and regulations will be available upon request.*

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## **I. Selecting Applicants from the Waiting List, Targeting, Preferences, Closing and Opening Waiting List**

### Selecting Applicants from the Waiting List

All program admissions, except for special programs (described in Section III), and special admissions, must come from the waiting list. Special admissions, defined by Housing and Urban Development (HUD) in 24 [CFR 982.203](#) consist of HUD awards that are targeted for families living in specified units. Such HUD awards may include families displaced because of demolition or disposition of a public housing unit, families residing in a multifamily rental housing project when HUD sells, forecloses, or demolishes the project, or other circumstances as determined by HUD.

When the waiting list is open, the Housing Authority accepts pre-applications from all interested persons and places their name on the waiting list by the date the pre-application was received. When the waiting list is closed to the general public, the Housing Authority may accept direct referrals for applicants that are eligible for preferences or special programs, as defined below. In all cases, the Housing Authority will endeavor to serve preference or special program eligible applicants already on the waiting list before accepting referrals for new preference or special program eligible applicants. Additionally, while the waiting list is closed, the Housing Authority will add applicants to the waiting list when required to do so by HUD, including but not limited to instances where eligible households are residing in units newly accepted into the Project Based Voucher Program.

When it is anticipated that assistance will be available, full applications are issued to pre-applicants in the order that they placed their name on the waiting list. Those applicants, who have submitted a complete application and are certified eligible for Section 8 Housing Choice Voucher assistance, are issued vouchers based on the date that eligibility was determined, in accordance with income targeting requirements.

All households who complete a pre-application to place their name on the waiting list are informed in writing of their responsibility to report any change in address promptly.

Pre-applications (those on the waiting list) will be cancelled from the waiting list if

1. they do not respond to written correspondence within the given time period
2. mail sent to their last reported address is returned by the post office

Exceptions for persons with disabilities: Exceptions will be granted for pre-applicants and applicants with disabilities, as defined in [24 CFR 5.403](#) who were not able to respond within the time frame due to their disability. Exceptions may also be granted for hospitalization of sufficient duration to be the cause of the lack of response.

The Housing Authority will consider requests for reinstatement on the waiting list. The Housing Authority will consider the date of most recent contact, the length of time between cancellation and reinstatement request, disability status, homelessness or lack of access to mail, and other factors.

### Number of Waiting Lists

The Housing Authority maintains a combined waiting list for the Santa Cruz County Housing Choice Voucher Program, the Moderate Rehabilitation Program, and for the majority of the Project-Based Voucher Program. See exceptions for Special Programs in Section III. .

Additionally, the Housing Authority maintains a separate waiting list for the Housing Choice Voucher Program for the Cities of Hollister and San Juan Bautista. .

Project-Based Voucher sites may have separate site based waiting lists, as listed below. The Housing Authority will consider the establishment of additional site-based waiting lists for new Project Based Voucher contracts on a case by case basis. Units in all other Project Based Voucher developments are offered based on placement the Housing Choice Voucher waiting list. Existing Housing Choice Voucher holders may transfer into a Project Based Unit in developments that utilize a combined waiting list. Such voucher holders will be given preference over waiting list applicants.

1. El Centro – El Centro is a Project-Based Voucher complex located at 1110 Pacific Avenue in Santa Cruz. El Centro consists of 44 single room occupancy units for elderly residents. Units will be offered, when available, based on date of placement on the waiting list.
2. Resetar Residential Hotel – Resetar is a Project-Based Voucher complex located at 15 West Lake Avenue in Watsonville. There are a total of 52 Project-Based units at Resetar, of which 5 units are set aside for formerly homeless veterans participating in the HUD-VASH program. This waiting list is for the remaining 48 units. Units will be offered, when available, based on date of placement on the waiting list.
3. St. Stephens Senior Housing – St. Stephens Senior Housing, located at 2510 Soquel Avenue, is a Project Based Voucher complex developed and operated by MidPen Housing for occupancy by low income seniors at least 62 years of age. There are a total of 39 project based units at St. Stephens. Five units are designated for formerly homeless veterans participating in the HUD-VASH program, as referred by the Veterans Administration. Five units are designated for frail elderly Multipurpose Senior Services Program (MSSP) eligible persons. Health Projects Center will maintain an interest list for these units, with a preference for persons who would benefit most from the services offered at the St. Stephens Senior Housing project. Health Projects Center will make referrals of MSSP eligible persons directly to the Housing Authority for placement on a site based waiting list for these five units. The Housing Authority will administer the St. Stephens MSSP site based waiting list and make referrals to MidPen. Additionally, the Housing Authority will establish a site based waiting list for the remaining 29 project based units. Applicants already on the Santa Cruz County Housing Choice Voucher waiting list who are added to the St. Stephens site based list will retain their original date of placement. MidPen Housing will apply preferences for the remaining 29 project based units as follows: for 14 units, seniors already on the HCV waiting list will receive a preference, and their applications will be processed based on their original date of placement; for 15 units, applications will be processed based on a sequence established in a lottery.

## Limited Waiting List Preferences for Designated Groups on the Santa Cruz County Housing Choice Voucher Waiting List

### Disabled and Medically Vulnerable Homeless Persons (DMV)

The Housing Authority has adopted a limited waiting list preference for disabled and medically vulnerable homeless persons. The Homeless Services Center provides referrals for persons who meet all of the following criteria:

1. Disabled as defined by HUD at [24CFR 5.403](#).
2. Medically vulnerable as defined by a Homeless Action Partnership approved Vulnerability Index. At this time, the Homeless Action Partnership has identified the Homeless Vulnerability Index (used by the 180/2020 Campaign) and the VI-SPDAT.
3. Homeless as defined by HUD per the HEARTH Act in [Federal Register / Vol. 76, No. 233](#).
4. Have established a case management plan with a provider of housing supportive services within Santa Cruz County.

Currently, a maximum of 120 households may be assisted by this preference program at any given time. A maximum of 15% of new vouchers issued will be dedicated to applicants receiving this preference.

The Housing Authority may accept referrals for persons eligible for this preference program who are not on the waiting list.

DMV voucher holders who have been stably housed for 2 years may “graduate” into the regular voucher program if they are in good standing with the program and there are vouchers/funding available. At that time, the DMV voucher would be available for the next eligible family referred to the Housing Authority,

### Disabled Transitioning from Institutions (DTI)

The Housing Authority has adopted a limited waiting list preference for disabled persons transitioning from institutions into community-based settings, for persons who meet the following criteria:

1. Disabled as defined by HUD at [24CFR 5.403](#).
2. Transitioning – Individuals must either be currently living in a qualified institution at the time of referral to the Housing Authority, or must have been living in a qualified institution no more than 90 days prior to the referral to the Housing Authority.

Institution Tier 1 – Qualifying institutions include intermediate care facilities and specialized institutions that care for the intellectually disabled, developmentally disabled, physically disabled or mentally ill. This definition does not include board and care facilities (such as adult homes, adult day care, and adult congregate living).

Institution Tier 2 – Qualifying institutions include intermediate care facilities and licensed residential facilities that care for the intellectually disabled, developmentally disabled, physically disabled or mentally ill. This definition does not include unlicensed board and care facilities (such as adult homes, adult day care, and adult congregate living).

3. Referral Agency / Supportive Services – Qualifying individuals must be referred by a service provider agency that has entered into a memorandum of understanding with the Housing Authority. The service provider will document and certify the eligibility criteria above (disability status and transition from qualifying institution). The service provider must also certify that the individual is ready to transition out of an institutional environment, and must have a case management plan to assist the individual with the transition. Additionally, the service provider must assist the individual with all aspects of the Housing Choice Voucher program, including completing applications, obtaining documentation of income, attending Housing Authority appointments with the client, and assisting the client in finding and maintaining housing.

A maximum of 12 households may be assisted by this preference program at any given time. The Housing Authority may accept referrals for persons who would be eligible for this preference program, who are not on the waiting list.

#### Public Housing Tenants without an appropriately sized unit

The Housing Authority has adopted a waiting list preference for residents in the Housing Authority of the County of Santa Cruz Low-Income Public Housing (LIPH) program who are residing in a unit that is either too large, or too small, for their family size, and who have not been offered an appropriately sized unit after being over or under-housed for at least one year, due to lack of unit availability.

All other applicants on the Santa Cruz County Housing Choice Voucher waiting list will be assisted by date of placement on the waiting list.

#### Admission of Low-Income Families

Low-income families (up to 80% median household income) may be admitted to the program if they are working families (defined as a family in which the head, spouse or sole member is employed). In addition, low-income families in which the head and spouse or sole member is age 62 or over or is a person with disabilities may be admitted under this section. Such low-income families will not be admitted ahead of non-low-income families but will be placed on the waiting list according to the date of their application.

#### Targeting

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (incomes not exceeding 30% of area median income), the Housing Authority retains the right to skip higher income families in the waiting pool to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families.

#### Opening and Closing the Waiting list

When the Housing Authority opens a waiting list, the opening will be announced publicly on our website, on our waiting list phone line, in our lobby, and in local newspapers of general circulation.

Although applications are typically maintained in order of the date of pre-application, the Housing Authority may use computerized random selection to randomly sequence the applications received during a finite period of time after the waiting list reopens. Such random selection may be used to avoid any potentially unsafe situations arising from the perception of urgency to be the first in line when the list opens. After this finite period of time, the Housing Authority will continue to maintain applications in order of the date of application.

The Housing Authority may accept applications by mail, via internet, by FAX and other methods that encourage equal access and opportunity to apply for all persons including those with disabilities.

The Housing Authority reserves the right to open and close waiting lists at any time.

#### Changes to Head of Household or Family Members While on the Waiting List

While on the waiting list, the head of household may be changed to another family member under the following circumstances:

1. If the family splits into two or more families, the family containing the head of household retains placement on the waiting list.
2. If the head of household dies, another member can become the head of household if they provide verification of the death, and if they have the legal capacity to enter into a lease.
3. If the head of household no longer has the legal capacity to enter into a lease, another member can become the head of household if they provide verification of the incapacitation, and if they have the legal capacity to enter into a lease.

The Housing Authority may consider additional exceptions on a case-by-case basis.

The “applicant family” is defined as those persons who were included in the full initial application for assistance and who meet the definition of “family” as defined in Section IV.

Any household members whom the applicant family wishes to add after the initial eligibility determination must meet the criteria listed in Section XVIII of this Plan.

Changes to family members will not be processed while applicants are on the waiting list. All changes will be processed at the time of the initial eligibility determination or thereafter.

#### Selecting Applicants for the Moderate Rehabilitation Program

When vacancies occur, the Housing Authority will refer to the owner one or more appropriate size families on its waiting list.

All vacant units under contract will be rented to eligible families referred by the Housing Authority from its waiting list. However, if the Housing Authority is unable to refer a sufficient number of interested applicants on the waiting list to the owner within 30 days of the owner’s notification to the Housing Authority of a vacancy, the owner may advertise or solicit applications from low-income families and refer such families to the Housing Authority to determine eligibility.

## **II. Issuing or Denying Housing Choice Vouchers, Term of the Housing Choice Voucher, and Extensions or Suspensions of the Term**

All Housing Choice Vouchers are issued with an initial term of 60 days. Extensions may be granted

1. If voucher holders provide proof that despite a diligent effort, they could not find a unit suitable to their needs; or
2. In special cases only, such as a large family, a “special needs” family, hospitalization or drug rehabilitation, death in the family, etc.

Such extensions may be granted for up to 60 days if the Housing Authority is currently granting extensions. Additionally, depending on market conditions, the Housing Authority may provide extensions beyond 60 days.

The Housing Authority will grant extensions beyond 120 days on an individual case basis as a Reasonable Accommodation for Housing Choice Voucher holders with disabilities. Third party verification of disability and need for extension is required. The extension will only be granted after the Housing Authority has received such verification from a doctor, other health care professional or a social worker with medical or professional knowledge of the person’s disability. If acceptable verification is not received by the doctor, other health care professional or a social worker within 60 days of the Housing Authority’s request, the extension will be denied. See Section IV Occupancy Standards (Standards for denying admissions or terminating assistance) for information about denying assistance for applicants.

## **III. Special Programs**

Over time, HUD has awarded the Housing Authority with funding for specific voucher types to serve specific populations. In some instances, these special programs offer vouchers to eligible persons from the Housing Choice Voucher (HCV) waiting list. In other instances, vouchers are issued based on referrals from service providers. All special voucher programs are listed and described below. If special program vouchers are project based, the unique eligibility criteria described below will be preserved.

### Veterans Assisted Supportive Housing / VASH (303 vouchers)

The Department of Housing and Urban Development (HUD) and the Veterans Administration (VA) have partnered to create a program for homeless veterans that combines HUD Housing Choice Voucher rental assistance with case management and clinical services provided by the Department of Veterans Affairs at its medical centers and in the community. Funding for this program is limited to housing authorities that partner with “eligible Veterans Affairs Medical Centers (VAMCs) or other entities as designated by the VA.” Rather than issuing a Notification of Funding Availability for all housing authorities to respond to, HUD has contacted specific housing authorities and invited specific agencies to apply for funding.

The Housing Authority of the County of Santa Cruz has received a total of 303 VASH vouchers. VASH vouchers are not issued based on placement on Housing Authority waiting lists. Instead, referrals for eligible homeless veterans are provided by the Veterans Administration. The Housing Authority will administer the VASH program in accordance with HUD VASH rules and regulations, which may differ from the Housing Choice Voucher Program.



### Family Unification Program (123 vouchers) (FUP)

Family Unification vouchers have been made available by HUD for this program. The Family Unification Program (FUP) vouchers are reserved for families for which lack of adequate housing is a primary factor in the imminent placement of their a child or children in out-of-home care or in the delaying of discharge of a child or children to the family from out-of-home care. To be considered for Family Unification assistance, families can self-identify or will be identified through the County Human Services Department (HSD) and community service providers.

Family Unification vouchers are not issued based on placement on the Housing Choice Voucher waiting list. Instead, HSD provides referrals to the Housing Authority based on comprehensive risk assessment and eligibility determination. HSD will provide written certification to the Housing Authority that a family qualifies as an eligible family. A family will be certified as eligible if it is determined that (1) the children are at imminent risk of placement in out-of-home care or at risk of having their discharge to the family from out-of-home care delayed (2) the lack of adequate housing is a primary factor in the risk of placement or delay of discharge (3) it is anticipated that the housing assistance and supportive services provided by the Family Unification Program will be effective in preventing out-of-home placement or preventing further delay in discharging the child or children from out-of-home care and (4) the family meets all other eligibility requirements for Section 8 assistance. Eight (8) vouchers are set aside for former foster youth ages 18 – 24 as referred by the Santa Cruz County HSD. FUP Youth vouchers have a HUD imposed 36 month limit on rental assistance. FUP Youth voucher holders who enter into a HUD Family Self-Sufficiency contract may have their FUP Youth rental assistance extended for the life of the FSS contract up to five years, with the possibility of an extension up to two years.

Responsibilities for administering the Family Unification Program are as follows:

The Housing Authority will be responsible wholly or in part for

1. certifying voucher eligibility;
2. providing orientation in regards to the Section 8 Housing Choice Voucher Program;
3. approving rental agreements.

The Human Services Department will be responsible wholly or in part for

1. seeking and identifying eligible families;
2. certifying special program eligibility;
3. assisting in identifying and securing housing appropriate to the family's size and needs;
4. providing case management and some or all of the following supportive services:
  - a. child welfare and family reunification services
  - b. vocational training and educational assistance
  - c. child care assistance
  - d. health, mental health, and substance abuse services
  - e. renter education
  - f. job search and placement assistance

Once a family has been certified as eligible and accepted into the Family Unification Program, they will attend an orientation session provided by the Housing Authority, during which Section 8 procedures and regulations will be explained in detail.

The HSD will be responsible for case management for the FUP Youth Family Self-Sufficiency

(FSS) for the first 18 months from the start of the FSS Contract. Case Management is intended to assist the youth fulfill their FSS plan toward independence and self-sufficiency.

Mainstream Program (Housing Opportunities for Persons with Disabilities) (100 Vouchers)

HUD has made available vouchers to assist in providing housing and supportive services to disabled families who are ready to transition into the private rental market; and to families whose head, spouse, or sole member is a person with disabilities. A person with disabilities is defined as a person who

1. has a disability as defined in section 223 of the Social Security Act, or
2. is determined to have a physical, mental or emotional impairment that
  - a. is expected to be of a long-continuing and indefinite duration
  - b. substantially impedes his or her ability to live independently and
  - c. is of such a nature that such ability could be improved by more suitable housing conditions or
3. has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

The Housing Authority will offer Mainstream Vouchers to disabled applicants from the Housing Choice Voucher Waiting List based on their waiting list preference status and in order of their date of placement on the Waiting List.

Issuance as a Reasonable Accommodation

Mainstream vouchers may also be issued as a reasonable accommodation to persons with disabilities who live in a unit owned or managed by the Housing Authority if

1. A doctor, other health care professional or a social worker with medical or professional knowledge of the person's disability has verified the disability related housing need, and
2. There is not an acceptable unit available for the family in the Housing Authority owned or managed program, or the length of the wait for a vacancy of an acceptable unit is determined to be unreasonably long (at least one year).

If a Mainstream voucher is not available, a regular Housing Choice Voucher may be issued to such a family instead as a reasonable accommodation.

Disabled Vouchers (138 vouchers)

HUD has made available vouchers for disabled applicants on the Housing Choice Voucher waiting list. These vouchers are issued to eligible applicants based on their waiting list date of placement.

Medicaid Waiver Program (27 vouchers)

HUD has made available vouchers for persons participating in the Medicaid Home and Community Based Waiver Program. The Medicaid waiver vouchers are reserved for disabled persons, also covered under a waiver of Section 1915(c) of the Social Security Act, who are Medicaid-eligible at risk of being placed in intermediate care facilities. The voucher would allow them to be cared for in their homes and communities. These individuals are thereby assisted in preserving their independence and ties to family and friends at a cost no higher than that of institutional care.

Responsibilities for administering the Medicaid Waiver Program are as follows:

The Housing Authority will be responsible wholly or in part for

1. certifying voucher eligibility
2. providing orientation in regards to the Section 8 Housing Choice Voucher Program
3. approving rental agreements

The local agencies administering 1915c waiver programs will be responsible wholly or in part for

1. seeking and identifying eligible individuals/families
2. certifying special program eligibility
3. assisting in identifying and securing housing appropriate to the household's needs
4. providing case management

Medicaid Waiver vouchers are not issued based on placement on the Housing Choice Voucher waiting list. Instead, eligible referrals are provided by social service agencies with a current MOU with the Housing Authority to provide referrals and services. Once an individual and/or family has been certified as eligible and accepted into the Medicaid Waiver Program, they, or their designated representative, will attend an orientation session provided by the Housing Authority, during which Section 8 procedures and regulations will be explained in detail.

#### Welfare to Work Program (24 vouchers) (WtW)

HUD has made available vouchers for persons participating in the CalWORKs Welfare to Work Program. The Welfare to Work vouchers are reserved for CalWORKs participants. They are intended to be a key part of the strategy to support the efforts of Santa Cruz County families who are working towards self-sufficiency. Welfare to Work vouchers are not issued based on placement on the Housing Choice Voucher waiting list. Instead, eligible referrals are provided by the Santa Cruz County Human Services Department (HSD).

Responsibilities for administering the Welfare-to-Work vouchers are as follows:

The Housing Authority will be responsible wholly or in part for

1. certifying voucher eligibility
2. providing orientation in regards to the Section 8 Housing Choice Voucher Program
3. approving rental agreements

The Human Services Department will be responsible wholly or in part for

1. screening and refer CalWORKs participants;
2. assisting CalWORKs participants who receive vouchers with housing-related issues and work with Housing Authority staff to resolve those issues;
3. supporting housing stability for eligible CalWORKs participants who receive vouchers by providing them with comprehensive services including individual assistance in the areas of vocational training and assessment, job search and upgrade, on-the-job training, transportation assistance, child care, participation in MediCal/MediCruz or Healthy Kids as appropriate, counseling services for substance abuse, domestic violence and mental health issues and other supportive services;
4. coordinating participant involvement in programs offered through the Small Business Development Center, Career Centers, and Cabrillo Student Resource Support Network

If the Human Services Department informs the Housing Authority that a Welfare to Work voucher holder has graduated from the program, the Housing Authority may absorb that program participant into the regular Housing Choice Voucher program if a voucher is available and if the program participant is in good standing. At that time, the Welfare to Work voucher would be available for the next eligible family referred by the Human Services Department.

#### Section 8 Moderate Rehabilitation Program

The Housing Authority administers rental assistance for 41 Moderate Rehabilitation units. When units become available, the Housing Authority first offers assistance to Housing Choice Voucher waiting list applicants. However, if the Housing Authority is unable to refer a sufficient number of interested applicants on the waiting list to the owner within 30 days of the owner's notification to the Housing Authority of a vacancy, the owner may advertise or solicit applications from low-income families and refer such families to the Housing Authority to determine eligibility.

#### Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program

The Housing Authority administers a Mod Rehab SRO project of 11 units for homeless individuals. Only homeless persons, as defined by HUD per the Hearth Act in [Federal Register/Vol. 76, No. 233](#), are eligible for this program.

Tenant Outreach The owner of the project is responsible for tenant outreach and selection. The outreach to be conducted by the owner will include, but will not be limited to, the following:

- Advertisement in a newspaper of general circulation
- Outreach to homeless shelters and other agencies serving homeless persons
- Notification to other agencies participating in the Continuum of Care

The owner will ensure that all outreach efforts are accessible to persons regardless of race, color, religion, sex, age, national origin, or mental or physical disability. If outreach efforts are unlikely to reach persons in these categories, the owner will undertake special outreach efforts to ensure that such persons are made aware of the program.

#### Temporary Relocation

The following policies cover residential tenants who will not be required to move permanently but who must relocate temporarily for the project. Such tenants must be provided

1. Reimbursement for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation;
2. Appropriate advisory services, including reasonable advance written notice of
  - a. The date and approximate duration of the temporary relocation;
  - b. The location of the suitable, decent, safe, and sanitary dwelling to be made available for the temporary period;
  - c. The terms and conditions under which the tenant may lease and occupy a suitable, decent, safe, and sanitary dwelling of the project upon completion;
  - d. The assistance to be provided as required under the applicable regulations.
3. To the extent feasible, temporary relocation expenses may be paid directly by the owner reimbursing the tenant. For instance, motel bills, storage unit bills, and moving van fees may be paid directly by the owner.

4. Each tenant will be given a meal and transportation allowance of \$25 per day to account for the loss of cooking facilities and additional transportation needed to get to work, school, medical appointments, etc.

#### Supportive Services

The owner will provide supportive services as described in the owner's funding application, including but not limited to

- A. One-to-one counseling in the areas of employment, education, health maintenance, and self-care
- B. Support groups
- C. Referrals to other services
- D. Training in vocational skill, life skills, money management and budgeting, shopping and cooking, and conflict resolution

The Housing Authority will monitor to ensure that the supportive services were provided, as follows:

1. The owner will submit an annual report to the Housing Authority that lists, for each tenant, the specific supportive services that were provided.
2. The owner will maintain detailed supportive service records for each tenant. Records will include the dates that services were provided and a description of those services. The Housing Authority may, from time to time, audit those records to ensure compliance with supportive service requirements.
3. The owner will maintain financial records that verify that the costs of supportive services were not paid out of contract rents. Such records may be audited by the Housing Authority from time to time.

## **IV. Occupancy Policies**

### Definition of a Family

A family is a person or group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship. Furthermore, the Housing Authority has adopted HUD's definition of "family" as defined in [24 CFR 5.403](#). This definition of family includes single individuals as well as groups of people residing together, regardless of actual or perceived sexual orientation, gender identity, or marital status.

Each family contains a head of household, who must be at least eighteen years old. Additionally, each family member must reside in the assisted unit at least 51% of the time (at least 184 days out of the year). Children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the family if they would otherwise be living in the assisted unit. However, they will not be considered for the purposes of determining voucher size while they are out of the unit. Households with children who have been placed in foster care will keep their voucher size for at least 12 months after the child is removed. However, at the annual review following 12 months after removal (the second annual reexamination after removal) the household will be downsized. If and when the child returns from foster placement, the household will be upsized at the interim and the payment standard will

be updated at that time. The household will not be required to wait until their next annual re-examination to be upsized or to have their payment standard updated.

Households with military servicepersons on active duty will be downsized at the first transfer or annual review following the departure of the serviceperson. When and if military servicepersons on active duty return, the household will be upsized and the payment standard will be updated at the interim. The household will not be required to wait until their next annual re-examination to be upsized or to have their payment standard updated.

Live-in aides and family members of live-in aides are not family members, temporary family members, or guests.

#### Definition of a Temporary Family Member

A temporary family member is a member of assisted family that has been approved by the Housing Authority, and resides in the assisted unit less than 51% of the time (less than 184 days of the year). The income of a temporary family member is counted towards household income while the temporary family member resides in the assisted unit. However, temporary family members are not considered for purposes of determining voucher size, and are not eligible to receive the voucher in the event of a family break up (see Subsidy Standards below).

#### Temporary Family Members Who Move in and out of the Unit

The income of a temporary family member is counted towards household income while the temporary family member resides in the assisted unit. Therefore, temporary family members who move in to the unit for a period of time will be added to the household with an interim while they are living in the unit. Later, they will be removed from the household when they move out of the unit. Temporary family members are not considered for purposes of determining voucher size, even if their income is counted. Additionally, temporary family members are not eligible to receive the voucher in the event that the family breaks up.

#### Temporary Minor Family Members Who Stay in the Unit a Few Days Per Week

Minor children who stay in the household a few days per week (less than 51% of the time and less than 184 days of the year) will not be added to the household. No persons other than minor children will be approved to stay in the household for a few days per week. Instead, other individuals will be considered to be guests (see definition of guest).

#### Definition of Other Household Member

Other household members are those persons who have been approved by the Housing Authority to reside in the assisted unit, but who will not be considered for the purpose of determining voucher size, and who are not eligible to receive the voucher in the event that the family breaks up. Other household members may not reside in the assisted unit if their presence results in overcrowding. Income received by other household members is included in the household's income calculation.

#### Definition of a Guest

A guest is a person temporarily staying in the assisted unit with the consent of the family. No guest may stay in the assisted unit for more than 30 cumulative days during any twelve month period.

### Definition of When a Family Is Continuously Assisted

Low-income families are eligible for Section 8 assistance if they are continuously assisted under the 1937 Housing Act. For the purposes of determining eligibility, a 120-day break in assistance is considered “continuity of assistance”.

### Standards for Denying Admission or Terminating Assistance

The Housing Authority may deny assistance to an applicant or terminate assistance for a participant for the following reasons:

1. If the family violates any family obligations under the program as outlined under obligations of participant ([24CFR 982.551](#))
2. If any member of the family has ever been evicted from public housing
3. If a housing authority has ever terminated assistance under the certificate or voucher program for any member of the family
4. If any member of the family commits drug-related criminal activity, or violent criminal activity, including conviction for manufacturing or producing Methamphetamine
5. If any member of the family commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
6. If the family currently owes rent or other amounts to the Housing Authority or another housing authority in connection with Section 8 or public housing assistance under the 1937 Act
7. If the family has not reimbursed any housing authority for amounts paid to an owner under a Housing Assistance Payments (HAP) contract for rent, damages to the unit, or other amounts owed by the family under the lease
8. If the family breaches an agreement with the Housing Authority to pay amounts owed to a housing authority, or amounts paid to an owner by a housing authority
9. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel
10. If any member of the household is subject to a lifetime sex offender registration requirement under a State sex offender program. ([24CFR 982.553](#))
11. If there is reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
12. If the Housing Authority determines that any household member is currently engaged in illegal use of a drug, or if a pattern of illegal drug use by a household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
13. If the Housing Authority determines that any family member has violated the family’s obligation under [24CFR 982.551](#) not to engage in any drug-related or violent criminal activity.
14. For a variety of criminal or drug-related activities as permitted under HUD regulations. ([24CFR 982.553](#))
15. The Housing Authority will terminate assistance for participants in violation of current applicable HUD rules and regulations or Housing Authority policy.
16. The Housing Authority will deny admission for applicants that do not meet the current applicable HUD eligibility requirements.

The Housing Authority may deny admission or terminate tenancy for criminal activity or alcohol

abuse in accordance with HUD regulations. The Housing Authority has the discretion to consider all factors in the case, including the seriousness of the case, the extent of participation or culpability of individual family members, past history, and the effects of denial or termination of assistance on other family members who were not involved in the action.

## **V. Encouraging Participation by Owners Outside Areas of Low-Income Concentration**

To expand the number of rental property owners participating in the Section 8 Housing Choice Voucher Program, the Housing Authority mails promotional material to property management agencies on an as needed basis, conducts landlord briefings on an annual basis, and places ads in the newspaper. The Housing Authority maintains statistics on the concentration of low-income residents. When such areas are identified, the Housing Authority will conduct additional outreach to property owners outside those areas.

Specific steps include the following:

### Actions to encourage participation by owners of units outside low-income and minority areas

The Housing Authority of the County of Santa Cruz contacts owners of units throughout the County and endeavors to make personal or phone contact with as many owners of rental units as possible especially in the areas of lesser concentration of low-income or minorities.

### Actions to explain program requirements including equal opportunity to owners

The Housing Authority of the County of Santa Cruz works closely with real estate professionals. Personal appearances and speeches are made to civic and other organizations and groups to explain the programs to owners and applicants. Brochures are published and made available to owners.

## **VI. Assisting a Family That Claims Illegal Discrimination**

The Housing Authority assists families that claim illegal discrimination by including discrimination complaint forms in every briefing packet and mailing complaint forms to participants upon request; and referring them to the appropriate state and/or federal agency.

Specific steps include the following:

### Services to be provided if families allege they have encountered discrimination after finding a unit:

The Housing Authority of the County of Santa Cruz will make available the necessary informational forms and will assist where feasible with filing of any discrimination allegations. Applicants will be reminded of their Civil Rights and will be referred to appropriate local, state or federal agency for further action.

### Assistance to be given to Housing Choice Voucher holders in the exercise of their rights under Federal, State and/or Local Law:

Members of the Eligibility staff who are Spanish speaking will assist Spanish speaking Housing Choice Voucher holders in exercising their rights. Program participants speaking languages other than English and Spanish will be accommodated on a case by case basis. The Housing Authority arranges translations in Spanish and functions as a completely bilingual Spanish-English agency. The Housing Authority arranges translation and interpretation services as needed for those who do not speak English or Spanish.



Information on local, State and Federal Fair Housing laws and use of HUD Form-903 to provide as follows: The Fair Housing laws are outlined at the applicant's briefing, and the HUD Fair Housing forms and brochures are included in the Briefing Packets and given to all Housing Choice Voucher holders. Fair Housing posters are located in interview areas.

## **VII. Providing Information about a Family to Prospective Owners**

The Housing Authority will provide prospective owners the following information about the family when requested in writing by the prospective owner:

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

The Housing Authority will not provide any additional information about the family to the prospective owner. Owners are encouraged to do their own tenant screening.

The Housing Authority will comply with HUD regulations governing the provision of sex offender and other criminal background information to owners.

## **VIII. Disapproval of Owners**

The Housing Authority may disapprove a prospective owner for violation of a HAP contract; violation of housing quality standards; or fraud, bribery, or corruption in connection with one of the Housing Authority programs. If a locality reports to the Housing Authority that an owner has a history of renting units that fail to meet state or local housing codes, the Housing Authority may disapprove an owner for that reason. The Housing Authority may also disapprove an owner for other reasons as allowed by HUD regulation.

## **IX. Subsidy Standards**

Prior to issuing the Housing Choice Voucher or processing a change in household composition or a transfer, the appropriate voucher size for the family will be determined by applying the following criteria:

1. The Housing Authority will review each household composition to determine which household members may impact voucher size, and which household members do not impact voucher size, based on the agency plan in place at the time each member was added to the household. An unborn child will not be counted as a person, unless the pregnant woman is the only person in the household. Temporary household members, guests, family members of live-in aides, and other household members (as defined above) will not be counted for the purpose of determining voucher size. However, children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the family (even if they are not part of the household) if they would otherwise be living in the assisted unit. Therefore, when children return from foster placement, or when military servicepersons return from active duty, they may return to the household.

2. One bedroom will be allocated to the head of household and his/her spouse or registered domestic partner or significant other. One bedroom will be allocated to every two approved household members, regardless of gender, age, or familial status.
3. A household member must be a resident of the unit at least 51% of the time (at least 184 days of the year) to be counted as part of the household for the purposes of determining voucher size.
4. The subsidy standards are as follows. For the purpose of the tables below, the number of household members includes only those persons that are included when considering voucher size. Temporary household members, guests, family members of live-in aides, and “other” household members (as defined above) are not considered when determining voucher size, so they are not reflected in the tables below.

A family with a head of household AND spouse or registered domestic partner or significant other/domestic partner will be allocated the following:

Number of Household Members Impacting Voucher Size	Voucher Size
2	1
3	2
4	2
5	3
6	3
7	4
8	4
9	5
10	5

A family with a head of household and NO spouse or registered domestic partner or significant other/domestic partner will be allocated the following:

Number of Household Members Impacting Voucher Size	Voucher Size
1	1
2	2
3	2
4	3
5	3
6	4
7	4
8	5
9	5
10	6

When the Housing Authority determines that there is an adequate supply of studio (0 BR)

units for rent, the agency may issue studio instead of one-bedroom vouchers to single-person families.

The Housing Authority will use Enhanced Voucher assistance to meet HUD requirements. In implementing those requirements, the Housing Authority will determine if the bedroom size of the family's unit exceeds the number of bedrooms for which the family qualifies under the subsidy standards, which is an over-housed family, unless the family qualifies for reasonable accommodation. The Housing Authority will notify the family and the project owner. When the Housing Authority notifies the family of the availability of an appropriately sized unit, the family must move to the unit in a reasonable time not to exceed 30 days in order to retain the Enhanced Voucher. The Housing Authority may grant an exception to this timeframe when the family requests it due to an extreme hardship. Hardship exceptions to the 30 day limit may be granted for a death in the family or serious illness.

Exceptions to the subsidy standards may be made as a reasonable accommodation for persons with disabilities. All requests must be reviewed and approved in advance by the Special Requests staff. Live-in aides, if approved by the Special Requests staff, are given a separate bedroom. Household members of the live-in aide may share a bedroom with the live-in aide under the following conditions:

- Only the live-in aide's spouse, registered domestic partner, or birth child may be added to the household.
- The addition of the live-in aide's family members will not be approved if it will cause overcrowding to the existing unit.
- The live-in aide's family members, like the live-in aide, are subject to all Housing Authority background checks and screening procedures.
- The family will not receive a dependent allowance for the live-in aide's child.
- The income of the spouse, registered domestic partner, or adult child of the live-in aide will not be counted.
- If the addition of the spouse, registered domestic partner or adult child causes the family to be ineligible for the program, they may not be added to the household.
- All adult family members of the live-in aide must sign an agreement confirming that they understand they are not a member of the assisted family.

The live-in aide, and the household members of the live-in aide, are not considered family members, temporary family members, or guests. The Housing Authority may consider other unusual family circumstances when determining the voucher size to be assigned to a family.

#### Applicant Flexibility on Unit Size Actually Selected for Rental

It is emphasized that the unit size listed on the applicant's Housing Choice Voucher does not preclude the family from selecting either a smaller or larger sized unit.

The family may select a larger sized unit provided their portion of the rent does not exceed 40% of their adjusted monthly income at move-in. A family may select a smaller sized unit provided there is no HQS violation based on overcrowding. However, the payment standard used to

determine the level of rental assistance will be based on the smaller of the payment standard for the voucher size or the payment standard for the unit size. Families electing to reside in a larger unit will pay a larger share of rent. Similarly, families electing to reside in a smaller unit will receive a smaller payment standard, and will not benefit financially from choosing a smaller unit.

## **X. Family Absence from Dwelling Units**

Families are permitted to be absent from their unit for up to thirty days without Housing Authority approval, and continue to receive a HAP. With prior notice, longer absences, up to 180 days, may be permitted for documented cases of hospitalization, nursing home stays, and drug treatment, and other unusual circumstances to be determined on a case-by-case basis. During this time, the HAP will continue and the tenant must continue to pay their portion. The HAP will not be paid for long absences for reasons other than those listed above. The contract, and therefore the lease, will automatically terminate after a 180 day absence as required by regulation.

## **XI. How to Determine Who Remains in the Program If a Family Breaks Up**

The following guidelines determine who may continue to receive Section 8 assistance if the household breaks up, due to the head of household no longer having the legal capacity to enter into a lease or if the head of household leaves or dies, or due to Violence Against Women Act crimes.

### Persons who may NOT receive the voucher

1. No person may receive the voucher in the case of a family break up unless he/she has been a member of the family living in the household for at least the three consecutive prior years.
2. Neither a live-in aide nor any family members of a live-in aide may receive the voucher.
3. No temporary family member, other household member (as defined above), or guest may receive the voucher.
4. No minor may receive the voucher.

### Persons who may receive the voucher

1. In the event of family break up, the voucher will automatically go to the head of household's spouse or registered domestic partner.
2. If the head of household does not have an eligible spouse or registered domestic partner, the Housing Authority has the discretion to determine whether or not any remaining household members may receive the voucher. The Housing Authority may consider the following factors:
  - a. Whether or not the remaining family member is elderly or disabled
  - b. Whether or not the remaining family member has legal dependents that are living in the assisted unit
  - c. Whether or not family members have been forced to leave the unit as a result of actual or threatened violence against family members by another member of the household
  - d. Whether or not the remaining family member is employed
  - e. Other relevant factors as determined by the Housing Authority on a case by case basis

## **XII. Informal Review Procedures for Applicants**

Informal reviews for applicants will be conducted in compliance with HUD regulations. Once applicants have been notified of their right to an informal review, they have 15 calendar days to request a review in writing.

### Notice to Applicant

The Housing Authority must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the Housing Authority decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

### Informal Review Process

The Housing Authority must give an applicant an opportunity for an informal review of the Housing Authority decision denying assistance to the applicant. The review will be conducted by the Review Officer, designated by the Executive Director, who will appoint someone other than a person who made or approved the decision under review or a subordinate of this person.

At the informal review, the applicant must be given an opportunity to present written or oral objections to the Housing Authority decision. The Housing Authority must notify the applicant of its final decision after the informal review, including a brief statement of the reasons for the final decision.

### When Informal Review Is Not Required

The Housing Authority is not required to provide the applicant an opportunity for an informal review for any of the following:

1. Discretionary administrative determinations by the Housing Authority.
2. General policy issues or class grievances.
3. A determination of the family unit size under the Housing Authority subsidy standards.
4. A Housing Authority determination not to approve an extension or suspension of a voucher term.
5. A Housing Authority determination not to grant approval of the tenancy.
6. A Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.
7. A Housing Authority determination that the unit is not in accordance with HQS because of the family size or composition.

## **XIII. Informal Hearing Procedures for Participants**

Informal hearings for participants will be conducted in compliance with HUD regulations. Once participants have been notified of their right to an informal hearing, they have 15 calendar days to request a hearing in writing.

### When Hearing Is Required

The Housing Authority must give a participant family an opportunity for an informal hearing to consider whether the following Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and

Housing Authority policies:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Housing Authority utility allowance schedule.
3. A determination of the family unit size under the Housing Authority subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Housing Authority subsidy standards, or the Housing Authority determination to deny the family's request for an exception from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under Housing Authority policy and HUD rules.

In the cases described above, the Housing Authority must give the opportunity for an informal hearing before the Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

#### When Hearing Is Not Required

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

1. Discretionary administrative determinations by the Housing Authority.
2. General policy issues or class grievances.
3. Establishment of the Housing Authority schedule of utility allowances for families in the program.
4. Housing Authority determination not to approve an extension or suspension of a voucher term.
5. Housing Authority determination not to approve a unit or tenancy.
6. Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Housing Authority must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
7. Housing Authority determination that the unit is not in accordance with HQS because of the family size.
8. Housing Authority determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

#### Expeditious Hearing Process

Where a hearing for a participant family is required under this section, the Housing Authority must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

#### Discovery

By family: The family must be given the opportunity to examine before the hearing any Housing Authority documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the Housing Authority does not make the document

available for examination on request of the family, the Housing Authority may not rely on the document at the hearing.

By Housing Authority: The Housing Authority will request an opportunity to examine at Housing Authority offices before the hearing any family documents that are directly relevant to the hearing. The Housing Authority must be allowed to copy any such document at the Housing Authority's expense. If the family does not make the document available for examination on request of the Housing Authority, the Housing Authority has the right to accept or deny the document at the hearing or to postpone the hearing until the document can be adequately reviewed.

The term "documents" includes records and regulations.

#### Representation of Family, Recording of Hearing

At its own expense, the family may be represented by a lawyer or other representative. The name and title of such representative must be submitted to the Housing Authority at least 5 days prior to the hearing. If the representative is a lawyer, the Housing Authority may arrange to have its lawyer present, too.

Either the family or the Housing Authority may elect to record the hearing at its own expense. If either party wishes to record the hearing, it must notify the other in writing at least 5 days prior to the hearing.

#### Hearing Officer

The hearing may be conducted by any person or persons designated by the Executive Director, other than a person who made or approved the decision under review or a subordinate of this person.

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the Housing Authority hearing procedures.

#### Evidence

The Housing Authority and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

#### Issuance of Decision

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

#### Effect of Decision

The Housing Authority is not bound by a hearing decision

1. Concerning a matter for which the Housing Authority is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing.

2. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State, or local law.
3. If the Housing Authority determines that it is not bound by a hearing decision, the Housing Authority must promptly notify the family of the determination, and of the reasons for the determination.

#### **XIV. The Process for Establishing and Revising Payment Standards**

Payment Standards are used to calculate the Housing Assistance Payment that the Housing Authority pays to the landlord on the tenant’s behalf. The payment standard represents the maximum level of subsidy that may be paid by the Housing Authority. The Payment Standard will be reviewed and revised, if necessary, annually following the publication of the Fair Market Rents by HUD. Factors used in this analysis include the following:

1. Comparison of Payment Standard to Fair Market Rent
2. Average amount participants in the voucher program pay in rent.
3. Rent reasonableness data
4. Local vacancy rate data

At the time of annual payment standard review, and to the extent funds are available, an exception payment standard will be considered as a reasonable accommodation to expand housing opportunities for persons with disabilities.

#### **XV. The Method for Determining That Rent to Owner Is a Reasonable Rent**

A determination must be made that rent to owner in the Section 8 Housing Choice Voucher Program is reasonable based on current rents for comparable unassisted units (a) at the time of initial leasing, (b) if there is any increase in the rent to owner, (c) at the HAP contract anniversary if there is a 10% decrease in the FMR in effect 60 days before the HAP contract anniversary, and (d) if directed by HUD. Reasonable rent is determined using information produced by Go Section 8, a national rent reasonableness system, via the Go Section 8 database. Go Section 8 meets HUD regulatory requirements for rent comparisons based on comparable unassisted units, including information about each unit’s location, size, type, age, quality/condition, utilities, maintenance (including special services) and amenities.

#### **XVI. Policies Regarding Special Housing Types**

##### Shared Housing in the Housing Choice Voucher Program

1. Shared Housing is when a unit is occupied by two or more families. The unit must consist of shared common living space, as well as separate private space for each assisted family. Therefore, zero and one bedroom units may not be rented for shared housing. Under the lease, the assisted family must have cooking and bathroom facilities available to them. All areas (the entire unit) must be inspected initially and annually.
2. The shared housing program is designed to provide additional choices in living arrangements for assisted families. The Housing Authority of the County of Santa Cruz



will permit only the use of “individual lease shared housing”, wherein the Housing Authority enters into a separate HAP contract for each assisted family residing in the dwelling.

3. Single room occupancy units, zero bedroom efficiency units, Independent Group Residences, congregate housing units and manufactured homes for which assistance is provided under the Space Rental Assistance Program may not be used for Shared Housing.

#### Eligibility for Shared Housing

Under certain conditions (such as changes in the housing market or incidences of fraud) the Housing Authority may limit shared housing to families who are both elderly or disabled and who have a zero or one bedroom voucher. Such decisions will be made at the discretion of the Executive Director.

#### Subsidy Standards

For Shared Housing, the living room/common living area will not be considered when determining voucher size or overcrowding.

#### Additional Limitations for Shared Housing

1. The owner/landlord may reside in the unit but cannot be a parent, child, grandparent, grandchild, sister or brother to any member of the assisted household.
2. A husband and wife cannot split themselves into two households and live in shared housing.
3. An existing household currently living together (whether they are assisted, on the waiting list, etc.) cannot split themselves into two households and live in shared housing.
4. Shared Housing is not intended to allow assisted families to live with household members that they would normally live with, while avoiding counting the other household member(s) income. Although it is difficult to prove who would and wouldn't regularly live with the assisted family, Housing Authority staff should be aware of the intent of the policy and try to avoid abuses and manipulations of the policy.

#### Utilities

1. The amount of the Utility Allowance for an assisted individual in Shared Housing is the individual's pro rata portion of the Utility Allowance for the entire unit.
2. Individuals enter Shared Housing arrangements on a voluntary basis and agreements on splitting tenant paid utilities and utility deposits are part of that voluntary, private agreement between or among the individuals occupying the unit. Therefore, it is not mandatory that tenants agree to pay utilities based on the same proration formula the Housing Authority uses.

3. Although, in units with tenant paid utilities, utility payments are made by the tenant and not by the owner, the owner is free to ascertain, before leasing to sharing individuals, that the individuals have reached agreements in splitting tenant paid utilities and utility deposits, with full awareness of the amount of the Housing Authority determined utility allowance for each assisted tenant.

#### Other Special Housing Types

The following conditions will be used to determine who will be eligible to use each special housing type.

1. Single non-elderly, elderly, or disabled participants in the Housing Choice Voucher program will be eligible to use Single Room Occupancy housing.
2. Elderly or disabled participants in the Housing Choice Voucher program will be eligible to use Congregate Housing and Group Home Housing.
3. All participants in the Housing Choice Voucher program will be eligible to use Cooperative Housing, Manufactured Home Housing and Manufactured Home-Space Rent Housing.
4. Any special housing type will be eligible for use if needed as a reasonable accommodation so that the program is readily available to and usable by persons with disabilities.

#### Section 8 Homeownership Program

The Housing Authority of the County of Santa Cruz has elected to offer the homeownership option that is available in the Section 8 Housing Choice Voucher program. The purpose of this program is to allow eligible families to purchase a home using the Housing Choice Voucher.

#### Family Participation Requirements

1. A preference will be given for current or past FSS (Family Self Sufficiency) participants.
2. This program shall be open only to those families who have been assisted under the Section 8 Housing Choice Voucher program for one year and are in good standing as participants in the Housing Choice Voucher program. In addition, 10 Homeownership vouchers per year are available to successful graduates of the Low Income Public Housing FSS Program to assist them in their transition to homeownership.
3. There is no limit on the number of vouchers that may be used for the Homeownership Program.
4. There will be no additional local eligibility requirements except those imposed by the regulations.
5. CFR 982.627(d)(2) gives the Housing Authority the discretion to determine whether and to what extent interruptions are considered to break the continuity of employment during the year. The Housing Authority of the County of Santa Cruz will consider a household

member to be continuously employed if their gross annual wages totaled at least the minimum wage times 30 hours per week.

### Housing Counseling

1. Pre-homeownership counseling is mandatory for all participants in the Homeownership program and will include those items required by regulation. ([24CFR 982.630](#))
2. If a family purchases a home using Section 8 homeownership assistance and later sells that home to purchase another, the pre-homeownership counseling requirements will not be imposed again for the second purchase.

### Capacity Test

The Housing Authority meets the Capacity Test set forth in [24CFR 982.625](#) in the following ways:

1. The Housing Authority has established a minimum down payment requirement of at least three percent of the purchase price. At least one percent must come from the family's personal resources.
2. The Housing Authority requires that financing for purchase of a home under the Homeownership program must comply with generally accepted private sector underwriting standards. In particular, no adjustable-rate mortgages or balloon payment will be permitted.
3. The Housing Authority has demonstrated capacity to operate a Homeownership program. The agency operates a First Time Homebuyer program on behalf of local jurisdictions, operates a Mortgage Credit Certificate (MCC) program, and has developed and sold over 100 single-family homes.

### Locating a Unit

1. There are no shopping deadlines imposed on families who are interested in purchasing a home. Because the homeownership option is only available to families currently receiving Section 8 rental assistance, their rental voucher will remain in effect as they search for a unit to purchase. The rental voucher will be converted to a homeownership voucher during the escrow process. If a family wishes to transfer to another unit and is issued a transfer voucher, the usual requirement to locate a unit within 120 days applies, regardless of whether the family chooses to move to another rental unit or wishes to purchase a home under the homeownership option. Therefore, it is highly recommended that families remain in their current unit while they undertake a search to locate a unit to purchase.
2. If a family cannot locate a unit to purchase, their rental voucher will remain in effect.

### Down Payment and Financing

1. Cash down payment and equity requirements shall be the same as those required under Section D, "Capacity Test", subsection 1.
2. Prospective purchasers must demonstrate that they have adequate cash reserves to pay for the required home inspection in addition to the down payment.
3. The home inspection must be conducted by a home inspector certified through the American Society of Home Inspectors or other comparable certification to be approved by the Housing Authority on a case-by-case basis.
4. For the purposes of calculating the housing assistance payment, "Home-ownership expenses" shall be defined as those homeownership expenses listed in [24CFR 982.635](#), and shall include homeownership association dues.
5. The first mortgage lender shall be responsible for determining whether the family can afford the financing being offered. The Housing Authority will not be responsible for determining the affordability of the financing.
6. Lenders participating in the program must be approved by the Housing Authority.
7. Adjustable rate mortgages and balloon payments will not be permitted in the Homeownership program.
8. The Housing Authority must approve any refinancing or additional debt recorded against the property. The Housing Authority will record a notice against the property requiring such prior approval. In order to approve refinancing or additional debt, the Housing Authority will determine whether the family's income is sufficient to pay any additional debt service.
9. Assistant payments will be made directly to the purchaser or lender, depending on the lender's requirements.

#### Continuation of Assistance

1. The family must notify the Housing Authority if they receive a Notice of Default.
2. The Housing Authority will not prohibit families from making more than one move during any one-year period
3. The Housing Authority will not require that families using the homeownership option be FSS participants; however, a preference will be given to current or past FSS participants.
4. The Housing Authority will not require post-purchase HQS inspections.
5. In the case of a mortgage default, the Housing Authority has the option of granting the

family a rental voucher to continue their assistance. Such determinations will be made on a case-by-case basis and will take into consideration the circumstances leading to the default, including but not limited to employment layoffs, a family member becoming disabled, and/or the death or departure of a family member.

6. The ongoing payment of real estate taxes is not a requirement for participation in the homeownership program. It is the responsibility of the homeowner to ensure that their taxes are paid. The lender may, at their discretion, monitor to ensure that taxes are paid.
7. In calculating the housing assistance payment, the Housing Authority will allow a monthly allowance for maintenance expenses, to be adjusted from time to time if needed.
8. In calculating the housing assistance payment, the Housing Authority will allow a monthly allowance as a reserve for major repairs, to be adjusted from time to time if needed.

#### Section 8 Project Based Voucher Program

The Project Based Voucher (PBV) program is a rental assistance program where the assistance is attached to the unit, rather than to the family occupying the unit.

##### A. Waiting List and Tenant Selection

For most Project Based Voucher sites, families will be offered assistance through the Project Based Voucher (PBV) Program in the order in which they placed their name on the Housing Choice Voucher (Section 8) waiting list. Additionally, existing Housing Choice Voucher holders may lease project based units. Some complexes may have site-based waiting lists, as described in the Waiting List section, above. When a Project Based unit becomes available, the Housing Authority will send a letter to the top families in the Section 8 Waiting List. The letter will instruct interested families to contact the owner directly.

Owners may refer families to the Section 8 waiting list if the waiting list is open, and such referrals will be placed on the list in order of date of application. While the owner is not allowed to choose their own tenant and have that tenant move up the waiting list ahead of other applicants, the owner may apply their own tenant selection criteria and preferences, provided that they remain in compliance with fair housing law.

Families on the Section 8 waiting list who reject an offer of a PBV unit or who are rejected by the owner will not be penalized. They will retain the same position on the waiting list that they would have had if they had not been offered PBV assistance.

##### B. Overcrowded, Under Occupied and Accessible Units

If a family is determined to be in a wrong-sized unit (a unit that is too large or too small) or in an accessible unit with features that the household does not require, the Housing Authority will offer the family some type of continued housing assistance. The Housing Authority may offer the family:

- Another PBV unit in the same building or another building
- A tenant-based voucher

- Another type of project based assistance such as a unit in the Low-Income Public Housing program

### C. Project Based Voucher Selection Procedure

The Project Based Voucher Program (PBV) allows housing authorities that already administer a tenant based voucher program to use up to twenty percent (20%) of its voucher program budget authority and attach funding to specific units rather than using it for tenant based assistance. The Housing Authority will consider many factors including site location, design, project amenities, services to be provided to residents, and any other relevant information in determining the extent to which the PBV proposal furthers the Housing Authority's mission and whether or not the public interest is best served by converting tenant based vouchers into project based vouchers.

#### Owner Submittal of PBV Proposal

On an annual basis, the Housing Authority will publish a request for proposals (RFP) for project based vouchers. The RFP will be published in local newspapers of general circulation, including the Santa Cruz Sentinel and the Register Pajaronian. The RFP will also be posted on the Housing Authority website. Interested parties may submit proposals at any time during the year.

#### Selection of PBV Proposal

When proposals are received, the Housing Authority will score those proposals based on the criteria established in the most recent RFP. Before selecting any project based voucher proposal, the Housing Authority will determine that the proposal complies with HUD program regulations and requirements, including a determination that the property is eligible for project based vouchers, that the proposal complies with the cap on the number of project based units per building, and that the proposal meets site selection standards.

Project-based assistance for housing at any selected site must be consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. When determining the extent to which a site meets this standard, the Housing Authority will consider the following:

- Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition.
- Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization.
- Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement.
- Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area.
- If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate.

- Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.

In the event that a proposal is selected, the Housing Authority will notify the party that submitted the selected procedure, and will also publish the results of the RFP on the Housing Authority website. The Housing Authority will make documentation available regarding the basis for the selection of any project based voucher proposal to any interested persons.

Limitation on Number of Project Based Vouchers Per Complex

No more than 25% of units at any given complex can be designated as project based units, unless those units are designated as excepted units per 24 CFR 983.56. Excepted units are those units that are either specifically made available for elderly and/or disabled families, or families receiving supportive services.

Project based complex	Number of project based units	Exception category
El Centro Residential Apartments	45	Elderly
Emerald Hill Apartments	8	N/A
Jesse Street	4	N/A
San Andreas	5	N/A
Resetar Residential Hotel	53	Families receiving supportive services (described below). Five (5) of the project based units at this property are designated for VASH voucher holders.
St Stephens Senior Housing	39	Elderly, 62 years or older. Five (5) units are designated for VASH and five (5) units are designated for Multipurpose Senior Services Program (MSSP).

Residents of Resetar Residential Hotel are required to establish a service plan and receive regular case management provided onsite by Abode Services. To qualify for residency, a family must have at least one member receiving at least one qualifying supportive service Failure by the family without good cause to fulfill its service obligation will require the Housing Authority to terminate assistance. If the unit at the time of such termination is an excepted unit, the exception continues to apply to the unit as long as the unit is made available to another qualifying family. A service plan for a qualifying supportive service and case management are part of this project based program. In addition, the family and the Housing Authority will sign a statement of family responsibility that describes obligations.

**XVII. Payment by a Family to the Housing Authority**

A program participant who owes the Housing Authority money may not transfer to a new unit or port out to a new jurisdiction until the money is repaid or satisfactory arrangements have been made to repay the debt. Additionally, waiting list applicants who owe money to the Housing Authority may not be issued a voucher until the money is repaid.

## **XVIII. Interim Redeterminations of Family Income and Composition**

When the Housing Authority receives information concerning a change in the family's income or household composition between regularly scheduled reexaminations, the Housing Authority will consult with the family and make any adjustments determined to be appropriate. Any change in the family income or household composition that results in an adjustment in the Total Tenant Payment, Tenant Rent and HAP must be verified.

### Changes to the Head of Household

Changes to the head of household will be allowed in the case of a family break up (see Section XI above) or if the head of household no longer has the legal capacity to enter into a lease, another member can become the head of household if they provide verification of the incapacitation, and if they have the legal capacity to enter into a lease. The Housing Authority may consider additional exceptions on a case by case basis.

### Changes to Household Composition

If any household member moves out of the assisted unit, the household must inform the Housing Authority in writing within 14 calendar days of the move out. If the household wishes to add any new members (including temporary family members), the household must request advance permission in writing before any new members move into the unit. All new household members (including temporary household members) will be subject to all Housing Authority eligibility and screening criteria.

The Housing Authority will apply the following criteria when determining who may move into an assisted unit. However, children who are temporarily away from the home because of placement in foster care and military servicepersons on active duty are considered part of the household (even if they are not currently living in the household) if they would otherwise be living in the assisted unit. Therefore, when children return from foster placement, or when military servicepersons return from active duty, they may return to the household. The rules below about who can be added to a household do not apply to foster children and military servicepersons who were already living in the household prior to their temporary absence.

When a family member is added, staff must first redetermine the family subsidy standard, using the new subsidy standards, without this new family member. Then staff will apply the following rules. Please note that "parent" refers to the birth or adoptive parent, and "child" refers to children by birth, court awarded custody, or (for minor children only) by foster placement.

The following individuals may be added to the household and may increase the family's voucher size:

- The spouse, registered domestic partner, or significant other of the head of household
- The parent of the head of household
- The parent of the head of household's spouse / registered domestic partner
- The child of the head of household
- The child of the head of household's spouse / registered domestic partner



The following individuals may be added to the household, but will NOT increase the family's voucher size. Additionally, the following individuals may only be added to the household if they do not result in overcrowding, and will not be eligible to receive the voucher if the family breaks up.

- The grandparent or great-grandparent of the head of household
- The grandparent or great-grandparent of the head of household's spouse / registered domestic partner
- The grandchild or great-grandchild of the head of household
- The grandchild or great-grandchild of the head of household's spouse / registered domestic partner
- The minor birth child of any existing household member other than the head of household or the spouse / registered domestic partner of the head of household

No other adults or children may move into the assisted unit, other than those specifically identified above.

#### Changes in Household Income:

Families must notify the Housing Authority in writing within 14 days of a decrease in income. Decreases in Total Tenant Payment are to be made effective the first of the month following that in which the change was reported. However, no decrease adjustment in TTP is to be processed until all facts have been verified.

Families must notify the Housing Authority in writing within 14 days of an increase in income, and the Housing Authority may conduct an interim redetermination. This interim redetermination may serve as the family's next annual reexamination. The sole exception to this is annual increases to fixed income sources like Social Security, which will be verified and processed at the next regular annual reexamination.

#### **XIX. Restrictions, If Any, on the Number of Moves by a Participant Family**

There are no restrictions on the number of moves by a participant family other than those required by HUD regulation. In the case of a tenant who wishes to port to a higher cost area, such requests will only be denied in cases of insufficient funding, per [24CFR 982.314](#). In such cases, families will be informed of the potential for insufficient funding at the time they request to port their voucher. Additionally, the Housing Authority will keep the request to port open for consideration, and will notify the family as soon as funding becomes available.

Additionally, program participants must be in good standing in order to be eligible to transfer their assistance to another rental unit. A program participant who owes the Housing Authority or their landlord money may not transfer to a new unit or port out to a new jurisdiction until the money is repaid or satisfactory arrangements have been made to repay the debt.

#### **XX. Approval by the Board of Commissioners or Other Authorized Officials to Charge the Administrative Fee Reserve**

Approval by the Board of Commissioners is required for all expenditures from the Accumulated Administrative Fee Reserves. Expenditures may be approved in advance as part of the annual budget process when the expenditure is approved as an expected offset to a projected budget deficit. Expenditures from the Administrative Fee Reserve account will be made in accordance with all applicable federal requirements and in accordance with the Procurement Policy. The Board of Commissioners approves expenditures during the budget approval process.

## **XXI. Procedural Guidelines and Performance Standards for Conducting Required HQS Inspections**

The Housing Authority conducts HQS inspections at least bi-annually as required by HUD. The agency has implemented a system of quality control inspections and regular training to ensure that inspections are performed accurately and consistently.

If the inspector's determination of the number of bedrooms in a unit differs from the number of bedrooms on the Request for Tenancy Approval, the owner may be required to supply verification from the planning/building department on the approved number of bedrooms.

In the case of new move-ins, all units must pass inspection before the HAP contract may begin. If a unit initially fails the inspection, it must be re-inspected until it passes. However, in the case of annual re-inspections, if a unit fails the inspection, the Housing Authority may allow the owner to self-certify that the repairs or corrections have been made. The Housing Authority reserves the right to require re-inspections for significant fail items.

## **XXII. Screening of Applicants for Family Behavior or Suitability for Tenancy**

The Housing Authority performs those screenings that are required by HUD regulation. Owners are encouraged to do their own screening of tenants.

## **XXIII. Voucher Suspension Policy**

If the Housing Authority stops issuing new vouchers for a period of time due to over-leasing or funding shortfalls, when the Agency is ready to resume the issuance of new vouchers, staff will review the utilization of special purpose vouchers. If the Agency is serving less than the allocation of special purpose vouchers, new special purpose vouchers will be issued first, before general purpose vouchers.

Prior to delaying or suspending the assistance of any applicants or participants (families under contract), the Housing Authority will first take any and all administrative steps available to remedy the situation. If the Housing Authority determines that there is insufficient funding to enter into additional HAP contracts, and / or insufficient funding for the HAP contracts that are already in place, the Housing Authority will suspend vouchers in the following way.

1. Applicants who have been issued general purpose vouchers but have not yet leased a unit will

have their vouchers suspended until such time as funding becomes available.

2. If funding is still insufficient, applicants who have been issued a special purpose voucher but have not yet leased a unit will have their vouchers suspended until such time as funding becomes available.
3. If funding is still insufficient, the Housing Authority will suspend the contracts of existing general purpose program participants beginning with the families most recently admitted to the program.
4. If funding is still insufficient, special purpose voucher holders who are under contract would be the last voucher holders to suspend, beginning with families most recently admitted to the program.

When funding becomes available, assistance will be restored in the following order:

1. Recently admitted special purpose voucher families who had their contracts suspended (#4, above) will have their assistance restored first.
2. Recently admitted general purpose voucher families who had their contracts suspended (#3 above) will have their assistance restored next.
3. Applicants who had been issued a special purpose voucher but had not yet leased a unit (#2 above) will have their vouchers restored next.
4. Applicants who had been issued a general purpose voucher but had not yet leased up (#1, above) will have their assistance restored last.