

TABLE OF CONTENTS

| | Page |
|---|-------------|
| INTRODUCTION | 4 |
| STATEMENT OF PURPOSE | 5 |
| JURISDICTION | 5 |
| OUTREACH – Applicants | 6 |
| OUTREACH – Owners | 6 |
| INFORMATION AND ASSISTANCE TO TENANTS AND LANDLORDS | 7 |
| | |
| INITIAL PROCEDURES | 8 |
| APPLICATIONS | 8 |
| WAITING LIST | 8 |
| PREFERENCE CATEGORIES | 9 |
| REMOVAL FROM/REINSTATEMENT ON THE WAITING LIST | 9 |
| OPENING/CLOSING THE WAITING LIST | 10 |
| UPDATING THE WAITING LIST | 10 |
| ELIGIBILITY OF STUDENTS | 10 |
| PORTABILITY | 11 |
| | |
| ELIGIBILITY AND RENT CALCULATIONS | 12 |
| INCOME, ASSET AND ALLOWANCE VERIFICATION | 13 |
| FAMILY SIZE AND DEDUCTIONS | 16 |
| DENIAL OF ASSISTANCE | 17 |
| SUBSIDY STANDARDS | 17 |
| PAYMENT STANDARDS | 18 |
| BRIEFINGS | 18 |
| EXTENSION/EXPIRATION OF VOUCHERS | 19 |
| RTA PROCESSING | 19 |
| ADDITIONS TO HOUSEHOLD | 19 |
| REMOVAL FROM HOUSEHOLD | 19 |
| ABSENCE FROM UNIT | 20 |
| TRANSFER OF ASSISTANCE | 20 |
| FAMILY BREAK-UP | 20 |
| CONTINUOUSLY ASSISTED | 21 |
| MINIMUM RENT | 21 |

| | |
|---|----|
| UTILITY ALLOWANCES | 21 |
| SOCIAL SECURITY NUMBER CHANGES | 21 |
| YEARLY RECERTIFICATION OF ELIGIBILITY | 22 |
| STREAMLINED RECERTIFICATIONS | 23 |
| EARNED INCOME DISREGARD | 23 |
| LEASES | 24 |
| RENT REASONABLENESS | 24 |
| EFFECTIVE DATES | 25 |
| DISAPPROVAL OF AN OWNER | 25 |
| INSPECTONS | 26 |
| ADDITIONS TO HQS | 26 |
| PRIORITIES | 27 |
| LEASE APPROVAL PROCEDURES | 27 |
| ABATEMENT OF HOUSING ASSISTANACE PAYMENTS | 28 |
| DEFERRALS DUE TO WEATHER | 29 |
| REPAIR CERTIFICATION POLICY | 30 |
| LEAD PAINT | 31 |
| SUPERVISORY INSPECTION PROCESS | 31 |
| FAMILY OBLIGATIONS – HQS Violations | 32 |
| FAMILY OBLIGATIONS – No Entries | 32 |
| TERMINATIONS | 33 |
| PARTICIPANT | 33 |
| HOUSING ASSISTANCE PAYMENTS CONTRACT | 33 |
| DISPUTE RESOLTION | 34 |
| CLAIMS - Rent Loss and/or Damages | 36 |
| CLAIMS - Vacancy | 36 |
| MODERATE REHABILITATION PROGRAM/SINGLE ROOM OCCUPANCY PROVISIONS | 37 |
| HOMEOWNERSHIP PROGRAM | 38 |
| EIV PROCEDURES | 42 |

VIOLENCE AGAINST WOMEN ACT

44

PROJECT BASED VOUCHER PROGRAM

45

INTRODUCTION

The Rental Assistance Corporation of Buffalo (RACB) is a not-for-profit organization, established in 1989. The City of Buffalo, as the Public Housing Authority (PHA), entered into a contract with RACB for the purpose of administering the Section 8 Existing Housing Programs funded by the U.S. Department of Housing and Urban Development (HUD). RACB assumed the administration of the program from the Housing Council of the Niagara Frontier, Inc. (HCNF). HCNF had operated the program under contract with the City since 1976.

RACB administers the Section 8 Housing Choice Voucher and Moderate Rehabilitation Programs. Through these programs, the City of Buffalo and RACB seek to provide rental assistance in private housing to low-income families, elderly, handicapped, or disabled individuals who could not otherwise afford decent, safe and sanitary housing. RACB has earned the highest rating possible in the Section 8 Management Assessment Program (SEMAP) since the program began in 2002. The high score is a reflection of the dedication, efficiency and quality of RACB's employees.

The general good of all Section 8 applicants, participating tenants and landlords was a primary factor in the development of this Plan. RACB is aware that unique circumstances may apply to any family at a given time. The Administrative Plan, therefore, is written with the acknowledgment that exceptions may apply to any given policy.

The Plan includes all Section 8 Programs administered by RACB. Where differences in the administration of an individual program exist, they are so noted. The Plan has been approved by the Board of Director of RACB and the City of Buffalo.

STATEMENT OF PURPOSE

The City of Buffalo and RACB are committed to efficient, effective administration of the Section 8 programs and to increased housing opportunities for low-income members of our community. The Administrative Plan, therefore, is based on the following premises:

The programs will be administered with the highest professional standards for public administration. RACB will administer the programs free of favoritism or partisan influence. RACB shall take measures to insure no participating landlord or tenant receives benefits to which they are not entitled under the Plan, HUD regulations and guidelines. RACB shall cooperate with investigative and enforcement authorities where program fraud and/or abuse is alleged.

RACB shall comply with all equal opportunity and fair housing requirements imposed by contract or federal law, as specified in Section 982.53.

RACB shall provide for community-wide awareness of the Section 8 programs to serve those in need of assistance, to increase available housing opportunities, and to increase support for publicly funded housing assistance programs.

RACB shall strive to insure the rights of tenants to be treated with dignity and respect and shall maintain professional standards regarding confidentiality of tenant information. Briefing sessions shall explain the advantages and responsibilities of participation in the program. Continued assistance shall be available to the applicant from initial screening through the lease-up period.

RACB shall insure a reasonable rent to landlords providing decent, safe and sanitary housing to participants. Landlords shall also be informed of their rights and responsibilities under the program.

JURISDICTION

Families placed on the Waiting List who live or work (or have promise of work) in Erie County shall be given preference over those who do not.

Briefings shall emphasize the fact that housing choices are not limited to impacted or concentrated areas; participants shall be encouraged to see housing in any and all operational areas within Erie County, unless utilizing portability.

OUTREACH

RACB maintains a website, www.racbny.org, which contains information on the program and provides access to the agency. Applications for housing assistance (when the waiting list is open), landlord listing information, and general e-mail inquiries are part of the site.

Applicants. All public notices shall display the Equal Housing Opportunity logo. All public notices shall be initiated in local major newspapers. Public service announcements shall be utilized. Advertising in local and/or limited audience publications shall be employed where beneficial to reach a targeted group of applicants. Organizations providing support or services to targeted groups shall be informed and requested to refer applicants.

Efforts shall be made to notify agencies concerned with the elderly, handicapped, or disabled. Attempts shall be made to accept applications in centralized locations for the convenience of those individuals. Special outreach efforts shall also be conducted to those who, because of such factors as race, ethnicity or sources of income are less likely to apply.

Owners. RACB shall encourage owner participation in the Housing Voucher program. Owners who express an interest will receive relevant information. RACB will not refer to particular units but will encourage owners to list available units on www.NYHousingSearch.gov.

RACB may solicit and encourage owner participation through media and other means as cited in Applicant Outreach to make units available to eligible families. RACB will encourage the participation of owners with units in low-poverty areas. These areas will be identified through the use of census data. Landlord seminars, advertising in trade publications, print media and public service announcements may all be utilized to enable the broadest spectrum of rental possibilities for participants.

INFORMATION AND ASSISTANCE TO TENANTS AND LANDLORDS

Some participating families are likely to have housing and non-housing problems. RACB may be a contact point for requesting assistance. Referrals to other agencies and persons who might be able to assist the family will be made when possible. Families with problems shall be referred to organizations such as the Erie County Department of Social Services, the Erie County Department of Health, Neighborhood Legal Services and/or Housing Opportunities Made Equal.

Tenant and owner disputes should be negotiated between the concerned parties. RACB shall not intercede in disputes between tenants and landlords except as the dispute relates to the Housing Assistance Payments Contract and/or other obligations under the Section 8 Program. RACB may suggest legal, dispute resolution or counseling agencies.

All owners shall be advised that eviction proceedings must be in compliance with local laws.

RACB shall try to respond to inquiries, but will not jeopardize the privacy or confidentiality of participants. Information on participants shall be released only with their permission or as a result of a court order.

Owners will be reminded that RACB does not screen participating families for tenancy suitability. Determination of suitability is the responsibility of the owner. RACB will provide the owner (if the information is available) with the following information: family current address, current and or prior landlord's names and addresses.

Prospective landlords shall receive information explaining the basics of the program. The Request for Tenancy Approval (RTA) package is geared specifically to landlords and contains requirements and procedures for participation.

INITIAL PROCEDURES

APPLICATIONS

The preliminary application for Section 8 programs shall be the official application. Once under the program, the HUD 50058 will be used for all certifications and reexaminations.

RACB may close its waiting list when the determination is made that the waiting time is excessive.

A preliminary assessment of eligibility shall be made based on the information contained on the application. Verification of eligibility or preference will not be required at the time of application.

If the applicant is found to be not eligible at the time the preliminary application is reviewed, he/she shall be notified of the reason(s) and given the opportunity to request an Informal Review. The request must be made in writing and submitted within ten (10) working days of the notification date.

WAITING LIST

If the applicant is found to be eligible for placement on the Waiting List, the applicant may expect to wait before being called in for a formal verification of the application.

Eligible applicants shall be placed on the Waiting List in chronological order, according to the date and time their application was received.

Applicants shall be contacted for assistance, by preference categories, in chronological order.

PREFERENCE CATEGORIES

Any preference(s) claimed on the initial application must be verified before a family receives assistance. In addition to the residency preference (see p.4), RACB will also allow preference to single individuals who are elderly, handicapped or disabled. They will be given preference over single individuals who are not elderly, handicapped or disabled.

An applicant who does not meet a preference will have his/her name returned (in chronological order according to the date the application was received) to the waiting list. Specifically, an applicant who is single, non-elderly, non-disabled, or non-handicapped will be denied participation and advised that their application will be returned to the waiting list.

Should the applicant advise us that their status has changed to meet a preference, we will ask for verification for at least one of the following:

- a disability/handicap;
- a child has been born to the applicant;
- legal custody documents;
- additional members who have been in the household for at least one year.

REMOVAL FROM/REINSTATEMENT ON THE WAITING LIST

Applicant names may be removed from the waiting list when:

- they fail to respond to the notice requesting verification of eligibility;
- they notify us they are no longer in need of assistance;
- they are found to be not eligible at the verification interview;
- they fail to attend two (2) Briefing sessions; or keep two (2) scheduled appointments
- correspondence from RACB is returned because the family did not notify us of a change of address.

In all cases except the last above, applicants removed from the waiting list shall be sent a letter informing them of our action. Applicants shall also be informed of their right to an Informal Review.

Applicants removed from the waiting list because the notice requesting they verify their eligibility is returned by the Post Office shall be required to re-apply for

assistance when/if they contact us. General mailings to waiting list applicants, not relating to verification of eligibility, will not result in removal from the waiting list.

OPENING/CLOSING THE WAITING LIST

The waiting list will generally be closed when the wait for assistance exceeds 24 months. Reopening will occur when the wait period becomes reasonable or when there is a need to increase the number of extremely low-income families that need assistance. Opening the waiting list will be accomplished as detailed in the Outreach section of this Plan.

UPDATING THE WAITING LIST

RACB may periodically update the waiting list by mailing notices to families and asking them to either confirm or change the information on file. Applicants will be requested to respond within ten (10) working days. Responses will be reviewed and changes made where necessary.

Families who fail to respond within the time frames shall be removed from the list. Applicants removed from the waiting list because they do not respond to the update notice shall be reinstated at their original date of application if/when they contact us. However, if three (3) years have passed since the applicant's name was removed from the waiting list, the applicant will generally be denied reinstatement.

ELIGIBILITY OF STUDENTS

RACB will restrict the admission of single individuals who are enrolled at an institution of higher education. The restriction will apply to single student applicants who are not 24 years old or a veteran of the armed forces or married.

A single student applicant enrolled at an institution of higher education who is not 24 years old or a veteran or married may be admitted to the Housing Voucher Program if both the student applicant and the applicant's parents(s)/guardian(s) are income eligible for the program. Student applicants who do not provide the names and addresses of all parents/guardians will be denied participation.

RACB will verify the student applicant's income through regular verification procedures. RACB will request each parent/guardian to complete a Tenant Information Form (TIF). RACB will subsequently verify the income of all parents/guardians. Initially, third party verification will be requested. However to

expedite the processing, second party verification will be utilized if the initial attempt is unsuccessful. The income of the student applicant's parents/guardians will be required to determine the eligibility of the student applicant if the student applicant is determined to be living independently.

The student applicant can demonstrate independent living by either:

- Providing a copy of the parents/guardians most recent federal tax return. The tax return must show the student applicant was not claimed as a dependent on the return, or
- Providing a copy of a lease or rental agreement which indicates the student applicant has established a separate household apart from the parents/guardians for a period of at least one year.

PORTABILITY

RACB will voluntarily accept Voucher participants from other housing agencies if the family is in good standing (not owing any claims) with the initial housing agency. RACB shall issue the appropriate subsidy to the family upon acceptance.

When a family expresses the desire to move, the caseworker will contact the potential receiving PHA. The caseworker must ascertain if the receiving PHA will absorb the family or bill RACB. We shall provide whatever information is requested regarding the status of the family. Only where the family is not in good standing with this agency, shall we refuse to cooperate with the intended relocation.

ELIGIBILITY AND RENT CALCULATIONS

At the time of the initial interview, any preference(s) the family claimed must be verified. An applicant not meeting the preference criteria will be so informed by a written notice. The family will not be removed from the Waiting List, but assistance will be denied until such time as those with preferences are assisted.

The family must disclose and provide documentation to verify the Social Security Number (SSN) of every family member. The preferred form of verification is a valid Social Security Card, issued by the Social Security Administration. In cases where the card is not available, RACB will accept a benefit award letter, showing the family member's date of birth, and SSN, from a Federal agency. RACB will also accept an identification card with the family member's SSN, issued by government agency.

Additionally, each family member must declare if they are a citizen of the U.S., a non-citizen with eligible immigration status, or a non-citizen without eligible status. Any family member under the age of 62 who claims to be a non-citizen with eligible status, must provide RACB with an original of any of the following Immigration and Naturalization Service (INS) forms:

- I-551 Alien Registration Receipt Card
- I-94 Arrival-Departure Record
- I-688 Temporary Resident Card
- I-688B Employment Authorization Card
- A receipt from the INS, indicating an application for the issuance of a replacement document for one of the above forms.

RACB will verify the status of all non-citizens who claim eligible status through the INS SAVE system.

Where information must be verified by third party documentation, release forms must be signed by the applicant and mailed from RACB. If no response is received within ten (10) working days, RACB will contact the source by phone. If no response from the phone contact is received within five (5) working days, another form of verification may be acceptable. If there is a charge for obtaining 3rd party verification, 2nd party authentic documents will be accepted.

Families will be allowed ten (10) working days to submit information which does not require third party verification. The needed information will be given to them at the interview. The application process may be terminated after the ten (10) working days have passed. Applicants will be informed of the decision and their right to an Informal Review.

Family certification, in the form of a written statement, will be allowed only when third party verification or a review of documentation is not possible.

INCOME, ASSET AND ALLOWANCE VERIFICATION

RACB is required to verify ALL CURRENT family incomes, assets and allowances in determining a family's share of rent. Verification provided by the applicant/participant shall be accepted provided they are acceptable as authentic, original and unaltered. Verification can also be obtained with a current release form or use of the EIV system. Verification procedures described below will help avoid erroneous calculations. The list is not all inclusive.

The Verification Hierarchy for income verification shall be:

1. Upfront Income Verification
 - A. HUD's Enterprise Income Verification system
(only for active program participants)
 - B. Other, non-HUD systems such as the Work Number
2. Written Third Party (pay stubs, benefit letter, bank statement)
3. Written Third Party (RACB's verification form)
4. Oral Third Party (phone conversation with employer)
5. Tenant Declaration

Wage Verification: at least one of the following:

1. 3 paystubs if paid bi-weekly or monthly, 4 paystubs if paid semi-monthly, 6 pay stubs reflecting gross wages. Paystubs must be consecutive;
2. Employer verification form;
3. RACB will request written verification on employer letterhead stating hourly pay rate and hours worked ONLY when employment is less than 6 weeks; or
4. A W-2 from the previous year (to resolve discrepancies from other sources).

Income for employees who work less than 12 months of the year (Board of Education) will be annualized at 40 weeks or 20 bi-weekly pay periods. If employees are eligible for unemployment insurance benefits while wages are not being earned, an additional 12 weeks of weekly benefits amount will be annualized and included in the calculation of family share.

Self-Employment: the previous year's tax returns, IRS forms that are submitted quarterly by the applicant/participant, or the monthly self-employment worksheet completed by the applicant/participant.

Rental Property: the prior year's tax return showing rental property income.

TANF/SNAP Assistance: a current budget worksheet. In some cases, a case make-up may be required.

Workers Compensation: weekly, bi-weekly, or monthly compensation amount.

Unemployment Insurance: weekly benefit amount

Social Security/ SSI: current annual award letter or EIV system

Pension: monthly amount

Disability Insurance: weekly, bi-weekly, or monthly amount

Gift/Contribution to Household: weekly, bi-weekly, or monthly amount.

Child Support/Alimony:

1. Print out from Support Collection Unit for a period of one (1) year; or
2. Private arrangement – written statement from provider stating amount and frequency of payments; or
3. Court order with weekly, bi-weekly or monthly amounts; or
4. Affidavit of support and/or alimony.

Asset Verification – Monthly, Quarterly or Annual Statements, including cash value of:

Bank or Credit Unions

Life Insurance

Mutual Funds

Stocks and/or Bonds

Certificates of Deposit

Trusts

401 (K) and other pension accounts

Real estate – proof of value of property

Lump Sum Payments are excluded but interest is included in annual income.

At admission, all assets of the family will be verified using authentic, original, unaltered documents. Thereafter, RACB will obtain verification every three (3) years.

Allowance Verification

Medical Allowance verification will require:

Print outs, statements, invoices from pharmacy, physician, optician, dentist, emergency room, and/or medical premiums showing out-of-pocket costs for one (1) year.

Maintenance for handicapped accessible vehicle – quarterly or annual invoices, receipts, or statements on provider letterhead.

Travel to/from pharmacy, physician, etc. – gas, mileage, fees for service – receipts, statements, invoices

Over the counter medications with physician's prescription will be treated in accordance with IRS Publication 502

Childcare Allowance verification will require:

Written statements, receipts, or print outs showing out-of-pocket costs paid for any child in the household under the age of 13.

FAMILY SIZE AND DEDUCTIONS

The unit size designated on the Voucher and relevant HUD forms shall be determined by the staff based on the following.

Family, for purposes of eligibility and subsidy determination, is defined as either a single person or group of persons and includes two or more individuals residing together in a stable relationship.

A stable relationship is defined as either marriage or two adults who have shared living quarters for a minimum of one year.

Single pregnant woman or any single individual in the process of securing legal custody of an individual who has not yet attained the age of 18 shall be considered a family upon the submittal of acceptable verification. Acceptable verification shall consist of a medical professional's confirmation of the pregnancy or a legal professional's statement regarding the reasonable likelihood of success in securing legal custody of a minor child.

An applicant who is either a single pregnant female or anyone in the process of securing custody of a child will not benefit from the dependent allowance until such time as the child is born or legal custody takes place. After admission, should the pregnancy terminate or legal custody not occur, the individual may continue on the program as the remaining family member under the existing lease.

Eligible minors must have a parent or responsible adult co-sign before they are allowed to participate on the program. In addition, where the head of household no longer resides in the unit and the remaining family member is less than 18 years of age, a guardian will be required to co-sign the lease when requested by the landlord.

Other information that may be required:

1. Marriage certificates if both spouses are listed on the application;
2. Statement of child care payments or proof of babysitting fees;
3. Medical bills not covered by insurance that the family is paying for the year in which the person is applying or recertifying. Eligible expenses shall include premium payments for medical insurance that is either deducted automatically from a benefit or paycheck or the applicant/participant is

paying directly. RACB will use IRS Publication 502 for determination of eligible medical expenses.

4. Any other information shall be requested where applicable for the determination of allowable deductions and/or verification of family size.

DENIAL OF ASSISTANCE

Assistance must be denied to a family when:

- Eligibility criteria is not met;
- Any adult family member refuses to sign or submit required forms;
- Any family member had been convicted of manufacturing or producing methamphetamine on the premises of any assisted housing property;
- Any family member is subject to a lifetime registration requirement under a state sex offender registration program.

RACB will also deny assistance when:

- Any family member has committed fraud, bribery or other corrupt or criminal acts related to federal housing programs;
- The family owes money to RACB or is listed in the National Repository.

SUBSIDY STANDARDS

Bedroom size assignments will be made in accordance with the standards listed below. Generally size assignments shall allow two (2) adults, in a stable relationship, to occupy the same bedroom. Otherwise, size assignments shall require that two persons of the opposite sex may not occupy the same bedroom. Exceptions to the subsidy standards must be approved by a supervisory staff member.

| Voucher Size | Minimum Number of persons | Maximum Number of persons |
|--------------|---------------------------|---------------------------|
| 1 | 1 | 2 |
| 2 | 1 | 4 |
| 3 | 3 | 6 |
| 4 | 5 | 8 |
| 5 | 7 | 10 |
| 6 | 9 | 12 |

Where medical reasons are certified, special assignments shall be made for additional bedroom space. No special provisions will be made for live-in attendants with children.

PAYMENT STANDARDS

Upon publication of HUD's annual Fair Market Rents, RACB will set revised payment standards based on continuous monitoring of the success rate of vouchers leased, the number of available units within current established rent limits, the rent burden of participants. RACB also discusses potential changes with housing authorities within the area to ensure cohesiveness of the payments standards among agencies.

BRIEFINGS

Once a family is determined eligible, they shall be required to attend a Briefing Session at the time of initial participation. The intent of the Briefing is to provide a more thorough introduction to and explanation of the Section 8 Program. Briefings will be done in groups for those receiving Vouchers for the first time.

Briefings will include an explanation of both general and program specific required topics. They shall include such topics as:

- Extensions, expirations, and tolling;
- Landlord listings;
- Inspection procedures, including lead paint issues;
- Information provided to the landlord about the family;
- program requirements prohibiting more than one move a year.

The Briefing will also include a discussion of recognizing discrimination. Housing Opportunities Made Equal (HOME) will make a presentation whenever possible. The Briefing packet contains the information directing families to the web site to file a discrimination complaint.

EXTENSIONS/EXPIRATION OF VOUCHERS

In general, the maximum time allowed to submit an acceptable RTA will be no more than 60 days. However, additional time may be allowed to accommodate a family:

- With a disabled family member;
- That has been subjected to discrimination;
- Seeking to relocate to a low poverty area;
- With other special needs.

An applicant family that does not submit an RTA will forfeit their assistance. These families will be given the option of being placed at the end of the Waiting List.

A participating family that does not submit an RTA may forfeit their assistance under certain circumstances, such as: the family no longer resides in the unit under contract or the HAP contract has been terminated. The family will be allowed to request an Informal Review if assistance is terminated.

REQUEST FOR TENANCY APPROVAL (RTA) PROCESSING

A Request for Tenancy Approval must contain either the owner's Social Security Number or the Employer Identification Number to be processed. No inspections will be scheduled until the RTA is complete.

ADDITIONS TO HOUSEHOLD

Additional family members will be included in the household only for immediate family members (partner, parent, grandparent, child, grandchild, sister, brother)

REMOVAL FROM THE HOUSEHOLD

If a tenant informs us that a household member should be removed, we will ask for verification of that fact.

If the Head of Household cannot provide verification, the member will be removed after the Head signs a statement which attests (1) the member has left the household and (2) termination my result if it is found to be not true and/or the removed member has income which was unreported.

Prior to the removal of a household member, a current EIV report will be reviewed to ensure that the household member is not receiving wages that have not been reported. If there are no wages, the member may be removed. If there are wages, the procedures for unreported income shall be followed. Similarly, if the family is in the process of repayment for unreported income for the household member, the removal will not take place until a repayment agreement is signed or the discrepancy is resolved.

When the household member to be removed is the same member who caused the discrepancy/repayment agreement, an affidavit is not acceptable. Removal in this instance will require proof of their legal address.

ABSENCE FROM UNIT

A family member will be temporarily absent if out of the unit for six (6) months or less.

TRANSFER OF ASSISTANCE

A Head of Household generally cannot transfer the Voucher to another person or family. In circumstances where a transfer might be considered, the household member who would be designated as the Head must have been a member of the household for at least twelve (12) months.

A Head of Household who abandons the unit or is involuntarily removed from the household forfeits rental assistance. RACB reserves the right to determine the disposition of the Voucher. The welfare of minors or elderly and disabled household members will be a primary consideration.

FAMILY BREAKUP

When an assisted family breaks up due to divorce or separation, RACB will determine who will continue to receive assistance. Each situation will be evaluated individually but the decision will be based on the following priorities:

- The interest of minor children or ill, elderly, disabled family members;
- Abuse, either actual or threatened, by a spouse or other member of the household;

- Family members remaining in the unit;
- Other factors unique to a given situation.

The decision regarding who will receive assistance will be made by the caseworker and a member of the supervisory staff. Substantiating documentation, such as an Order of Protection, will be utilized where appropriate.

CONTINUOUSLY ASSISTED

A currently assisted, low-income family will be considered continuously assisted for the purpose of allowing the family to remain on the program and move from one unit to another.

MINIMUM RENT

All families are expected to contribute at least \$50.00 a month in rent. Any requests for an exemption must be made in writing and detail why the rental amount is a hardship. The caseworker may determine if the exemption is granted. Participants in the Moderate Rehabilitation Single Room Occupancy Program are exempt from this requirement.

UTILITY ALLOWANCES

RACB mails utility reimbursements directly to either the natural gas or electric utility provider on behalf of the participant. The utility company will bill the participant for any balance due on the individual account.

SOCIAL SECURITY NUMBER CHANGES

A family member that has experienced the need to have a social security number changed is expected to report the change immediately. If the change is due to marriage or divorce, the family member must provide a copy of their marriage license or divorce papers along with a copy of their new social security card. The Head of Household must also fill out the necessary paperwork (TIF/Authorization forms.)

YEARLY CERTIFICATION OF ELIGIBILITY

A participating family is required to recertify their eligibility for assistance at least once a year. Annual recertifications will include the use of the EIV system to confirm reported information. Where the EIV report and the reported tenant information is current and consistent, no further third party verification will be required. Where further verification is required, the procedures outlined under "ELIGIBILITY AND RENT CALCULATIONS" shall apply.

The anniversary date of the lease-up shall be used as long as the family remains in a given unit. When the family relocates, the recertification date shall be changed to coincide with the new lease-up date. Notices of recertification shall be mailed approximately four (4) months prior to the recertification date.

Interim recertifications, upon request of the tenant, shall be accomplished at any time during the year. The date of the recertification shall not change. Families are expected to request an interim recertification whenever there is any change in sources of income. The exception to this policy is persons with incomes which are annualized on a one year basis but actually work less than that, such as the Board of Education employees.

A decrease in family income which results in a lower Total Tenant Payment (TTP) shall be effective on the first day of the month following the recertification. Where a change in reported income results in an increased TTP, the increase shall occur the first day of the month with at least thirty (30) days prior notice to the family and owner.

The above procedure shall apply in cases where reporting is done in accordance with the requirement to report changes as soon as they occur. Delayed reporting negates the thirty day notice; changes will be effective the following month.

A family that reports there is no household income shall be required to report quarterly (every 3 months) to execute a Zero Income Statement. Failure to report may result in termination of assistance. If terminated, the family will have a right to an Informal Hearing.

STREAMLINED RECERTIFICATIONS

RACB will verify the eligibility of participants on fixed income every three years. In the intervening years, a phone call to verify that nothing has changed in the household will suffice. If there are no changes, the participant will be expected to return only the executed Authorization for the Release of Information. Fixed income determinations will be made by applying a verified cost of living (COLA) or other specified adjustment received from a public source or third party resource.

If there are changes reported, the family may be asked to complete a full recertification of eligibility.

Participants will be identified as eligible for streamlining in the software on the second tab of the Household screen. They will be identified as an EIV recert with a check mark next to that category. At the time of an initial interview, the intake caseworker should categorize the applicant if appropriate.

EARNED INCOME DISREGARD [EID]

RACB will track the beginning and end dates of eligibility through the software. The first year of eligibility will be calculated at 100%; the second year will be at 50%. Exempt income must be verified as exempt and is not considered as EID.

LEASES

The voucher holder and potential landlord must submit an executed Request for Tenancy Approval (RTA). Owner provided leases must be submitted with the RTA and reviewed prior to the execution of a HAP contract. Any provision that is either not in compliance with program regulations or contains any illegal provisions shall be struck from the lease or voided when the "Tenancy Addendum" is executed and becomes part of the owner lease.

Every lease/addendum must contain the following:

1. Names of owner and tenant, location of unit;
2. Term of the lease;
3. Termination of the lease provisions;
4. Amount of tenant rent and effective date of the lease;
5. Signature and date of execution by tenant and landlord.

A lease/addendum may also contain:

1. Any special provisions such as pet restrictions or special services;
2. Any other clause(s) not prohibited by the rules and regulations of the program.

RENT REASONABLENESS

RACB will conduct Rent Reasonableness determinations in accordance with HUD requirements. Rent Reasonableness will be done by comparing an assisted or potentially assisted unit to unassisted units in the same area.

RACB will utilize the Rent Reasonableness component of its proprietary software (Housing Pro). Information for comparative purposes will be obtained from landlord listings on www.NYHousingSearch.com

RACB's Housing Quality Standards (HQS) Inspection Book and procedure is designed to allow for an on-site rent reasonableness determination. The HQS book requires the number of bedrooms, zip code, contract rent, utility mix and amenities contained in the unit. The inspector records and/or confirms the required information.

The assisted unit can then be compared to 3 unassisted units from the Housing Pro list of units. The rent of the assisted unit will be considered reasonable if the Gross Rent of the 3 comparable unassisted units is approximately equal to the Gross Rent of the assisted unit.

A family will be informed when a unit does not meet Rent Reasonableness criteria and the caseworker is unable to negotiate a reasonable rent with the owner.

- A family remaining in their current unit shall not be penalized. However, no annual adjustments shall be made to the HAP contract.
- A family attempting to relocate or in the process of an initial lease-up, shall be informed they must continue to search for a unit.

EFFECTIVE DATES

No lease shall be effective prior to the date the unit met Housing Quality Standards. (See **INSPECTIONS** – Lease Approval Procedures.)

DISAPPROVAL OF AN OWNER

RACB may deny approval to lease a unit from an owner for any of the following:

1. The owner has violated obligations under a Housing Assistance Payments Contract (42 U.S.C. 14371).
2. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. This includes the acceptance of side payments from tenants.
3. The owner has engaged in drug-trafficking.
4. The owner has a history or practice of non-compliance with HQS.
5. The owner has a history or practice of renting units that fail to meet State or local housing codes;
6. The owner has not paid State or local real estate taxes, fines or assessments.

For purpose of this section, “owner” includes a principal or other interested party. RACB may require a prospective owner to disclose ownership information to determine if the owner should be approved or not.

INSPECTIONS

Inspections shall be based upon HUD Housing Quality Standards (HQS) for acceptability. When HUD or RACB amends the HQS, changes will apply to all units, regardless of the effective date of the Housing Assistance Payments Contract.

ADDITIONS TO HQS

1. A minimum of 70 degrees F. must be maintained in all living areas.
2. All areas containing fuel burning devices (i.e. hot water tank, heating systems) must have smoke detectors. When a waiver of this requirement is requested, documented concurrence or acceptability will be required from a municipal code inspector.
3. In conjunction with NYS regulations, a carbon monoxide alarm must be installed within each dwelling unit, on each story where a sleeping area OR a carbon monoxide source is located. All carbon monoxide alarms must be listed and labeled as complying with UL2034 or CAN/CSA 6.19, and must be installed in accordance with the manufacturers' installation instructions. Carbon monoxide alarms shall not be removed or disabled, except for service or repair purposes.
4. Exposed, removable hinge pins on a unit entry door must be replaced with permanent hinge pins, security hinges, or other approved security hardware.
5. Other agencies and/or individuals may be included on inspection reports to support and/or qualify violations. These include, but are not limited to: Erie County Health Department, utility companies, municipal inspectors and/or fire departments.
6. A unit must be either occupied by the family who submitted the RTA or vacant for an inspection to be conducted.
7. Waivers due to weather conditions which prevent repairs from being made must be approved by administrative personnel.
8. Double keyed locks are prohibited.
9. Electric outlets within two (2) feet of a water source must be either of a GFI design or terminated. Over-fused wiring must be eliminated by utilizing no higher than 20 amp fuses in electrical panels. Non-working outlets must be made operational or properly terminated. All splices must be made in a Fire Underwriters approved, covered, electrical junction box. Unused electrical panel knockout/spaces must be covered to eliminate exposed electrical connections.

10. If the agency is officially notified of the presences of asbestos or radon gas in a unit, such presence shall be considered a violation until the Erie County Health Department verifies elimination.
11. Hot water heaters located above a living space must be installed in accordance with local codes.

PRIORITIES

Inspections will be scheduled according to the following priorities and all will be conducted within a reasonable time:

1. Maintenance/damage
2. First housed/relocation
3. Reinspections
4. Annual

A specific period of time shall be allowed to complete repairs for units that fail to meet HQS. The severity of the deficiency shall determine the time allowed for repairs. Life-threatening violations must be corrected within 24 hours. For all other repairs, up to 30 days from the date the owner is notified shall be the time to make repairs. See "Abatement of Housing Assistance Payments" for procedures to be followed when repairs are not made within a specified time frame.

RACB will send a notice to the owner and tenant following an inspection with a list of violations. The list will specify if the tenant is responsible for any of the cited repair items.

LEASE APPROVAL PROCEDURES

Upon receipt of an acceptable RTA, an inspection will be scheduled. If after a second inspection, the unit does not meet HQS, the tenant may be told to search for another unit.

The effective date of the Housing Assistance Payments Contract shall be either the date the unit meets HQS or a later, specified date.

ABATEMENT OF HOUSING ASSISTANCE PAYMENTS

In general, housing assistance payments will be abated on the first day of the month following a second failed HQS inspection.

Once housing assistance payments have been abated, the owner must contact RACB within a specified time frame (usually 30 day), to schedule an inspection. If the owner does not contact RACB, the Housing Assistance Payments Contract will terminate. If the owner does contact RACB but all of the cited HQS items are not corrected, the Contract may terminate.

The failure to be able to conduct an inspection will be considered a failed inspection. Therefore, a unit may go into abatement when no one is present to allow the inspector access to the unit.

A unit will come out of abatement when an inspection verifies the failed items have been corrected.

DEFERRALS DUE TO WEATHER

An owner may request a delay in the completion of exterior work involving defective painted surfaces during the winter months. Only repairs to exterior painted surfaces may be delayed. The signed request to delay work must be accompanied by a Lead Paint Owner's Certification form.

An inspector will provide the owner/agent with the forms necessary to request a weather delay during the inspection. If the owner/agent is not present at the inspection, the forms will be sent with the inspection summary.

When an inspection is approved except for the exterior, defective painted surfaces and the two required forms are received, a priority inspection will be scheduled.

When an inspection with exterior, defective painted surfaces also has other items that cause the unit to not be approved within the normal time frames, the unit may be placed into abatement and/or terminated. In this case, there is no reason to consider a delay request.

At some point, all landlords with delayed inspections will be notified that an inspection will take place to confirm the work was completed. The notice will advise that if the work is not done, the unit will be placed into abatement. Termination will occur if the work is not complete and approved. The notice will further state that another inspection will not be scheduled, it is the owner/agent's responsibility to provide RACB with a clearance certification from a licensed lead based paint inspector or risk assessor to avoid termination.

The units that are approved after the inspection will be so noted in the computer and the inspection book will be stamped as passed. The units that are not approved will be slated for abatement.

If the owner does not request a delay due to weather, but the weather prohibits the inspector from confirming the completion of the repairs, RACB may allow a delay until such time as the inspection is able to be completed. However, there will be no inspection conducted when a landlord has not submitted the required Lead Paint Owner's Certificate.

Units that have experienced a change in ownership from the time of the original inspection to the point of the follow-up inspection will be allowed additional time at the discretion of administrative staff.

REPAIR CERTIFICATION POLICY

RACB, in general, will not conduct non-emergency follow-up inspections to verify repairs were completed. This policy applies to standard deficiencies, cited with a 30 day period for completion of repairs. Landlords and tenants must now certify to the satisfactory completion of all repairs by sending in the HQS Repair Certification to the Inspection Department prior to the deadline for the completion of repairs. After an inspection takes place, the HQS Repair Certification will be mailed to the landlord and tenant with the HQS Inspection Summary. The landlord and tenant must sign the form when the repairs are completed, certifying that all repairs have been completed in a satisfactory manner.

If the HQS Repair Certification is not received by the deadline date, the work will be considered incomplete and the abatement/termination process will begin. Supervisory inspections will verify the accuracy of the certifications.

A certification signed and returned by only one party will result in a phone call to the other party to verify the completion of repairs. If the other party agrees the repairs are done, it will be so noted and the inspection completed. If the other party stated the repairs are not done, a physical inspection will be scheduled.

If notified of a conflict between tenant and landlord regarding the certification, where one party refuses to sign or indicates coercion to sign, RACB will conduct a physical inspection to resolve the issue. If notified either party is not sure of the acceptability of the repairs, RACB will conduct a physical inspection. In cases where there are both tenant and landlord responsible items, an inspection may be conducted to verify only one party's repaired items.

Certification will not be allowed for:

- lead paint issues;
- 24 hour emergency repairs
- Initial inspections.

In the above instances, a physical inspection must take place.

LEAD PAINT

RACB will deny participation to a unit that has been terminated or previously denied participation because the owner failed to comply with the lead paint requirements. A family will be asked to find another unit when the unit is denied participation.

RACB will maintain a list of units terminated or denied because of lead paint violations. Another family, subject to lead paint requirements, may submit an RTA for one of the listed units. However, RACB will not inspect the selected unit until such time as the landlord submits, at this own expense, a clearance test report. The clearance test must be from an acceptable agency or agent and must include all rooms within the living space. If the attic and/or basement are to be accessible to the tenant, they must also be included. The clearance test must show that all areas tested do not exceed the HUD proscribed lead dust level thresholds.

If the clearance test is acceptable, RACB will then conduct an inspection. RACB's inspection procedures will then be followed, including another clearance test if defective surfaces over HUD regulations are found in the unit.

SUPERVISORY INSPECTION PROCESS

A summary of all the previous months approved inspections (annual, new, priority) shall be generated each month. Six percent (to insure meeting HUD's standard of 5%) of the total number of the approved inspections will be selected for supervisory inspections.

The Senior Housing Inspectors review the summary and select an equal number of inspections from each inspector with the following criteria:

- an equal number of annual, new, and priority inspections
- at least 2 annual or new units with a child under 6
- a variety of unit types
- a broad geographic area

Normal inspection procedures are followed. Where issues are raised regarding the performance of the inspector, there is a conversation with the inspector. Topics of general concern are addressed during weekly staff meetings.

FAMILY OBLIGATIONS – HQS VIOLATIONS

RACB may exercise its right to terminate housing assistance to a family because of HQS violations caused during the family's tenancy. When an HQS violation has been identified as a family responsibility, the head of household will be notified of the need to correct the deficiency. The head of household is responsible for seeing the deficiencies are corrected within 30 days. If the reinspection indicates the tenant responsible violation have not been corrected, the family will be sent a notice that RACB intends to terminate their assistance.

In general, assistance will be terminated where there is a history of disregard for family obligations or the violation is extremely serious. The family will have a right to an Informal Hearing if terminated for HQS violations.

Assistance payments to the landlord will not be abated due to HQS violations which are tenant caused. However, if the tenant is denied further participation in the program, the HAP Contract is terminated.

FAMILY OBLIGATIONS – NO ENTRIES

A family's assistance may be terminated if they do not allow the unit to be inspected to ensure HQS compliance. Generally, termination will occur after three (3) attempts to inspect have been unsuccessful. RACB will consider the inability to inspect a unit a failed inspection. A unit will also be considered as not meeting HQS because:

- there is no one present who is 18 years of age or older;
- those present are abusive or belligerent to the inspector;
- those present are of questionable mental or physical condition;
- an unusual number of people are present and the inspector has reason to doubt the safety of conducting an inspection;
- there is any reason for the inspector to believe immediate departure from the unit is justified.
- The head of household has not provided written permission for another adult (including the landlord) to allow the inspection to take place.

TERMINATIONS

PARTICIPANT TERMINATIONS

RACB may terminate housing assistance to a family because of their actions or their failure to act. The termination of assistance may be in the form of:

- denial of further participation;
- refusal to enter into a HAP contract or termination of the HAP contract;
- refusal to approve a lease;
- refusal to process a portability request.

A family may not be absent from a subsidized unit for more than 180 consecutive days. A family may be terminated if the absence is less than that period and there is a reason to believe the family is no longer in residence. The family may be determined as absent if any of the following occur:

- an inspection reveals no living in the unit;
- correspondence to the family is returned by the Post Office;
- landlord or managers report an absent family.

It will be up to the family to verify that they are residing in the unit by countering any factors used to make the determination the family was absent.

RACB will also terminate assistance to a family when information is received and verified that any family member:

- has been convicted of manufacturing or producing methamphetamine on the premises of any assisted housing property;
- is subject to a lifetime registration requirement under a state sex offender registration program.

HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT TERMINATION

RACB shall exercise its right to terminate a HAP contract when owner HQS violations remain uncorrected after the time specified on the abatement notice.

Upon determination that the contract shall terminate, both tenant and landlord shall be notified. The tenant will be issued a Voucher to relocate. The termination will be effective either within sixty (60) days or when the tenant vacates the unit, whichever comes first.

In the event the tenant elects not to relocate and submits an RTA, initial unit procedures will apply. Housing Assistance Payments shall not be instituted until such time as paperwork relating to a new unit is completed.

If the HQS violations are tenant caused, the tenant may be terminated from the program for failing to comply with the terms of participation. In that event, the HAP contract is void.

DISPUTE RESOLUTION

The purpose of an Informal Review or Informal Hearing is to:

- resolve disputes without legal action;
- correct program/administrative errors;
- respond to a claim that a law or rule has been incorrectly applied.

An applicant for Housing Voucher assistance is entitled to an Informal Review. Once a Housing Voucher Payments Contract is executed on behalf of a family the family is entitled to an Informal Hearing. Complaints which do not fall under the guidelines for either a review or a hearing, may be handled in the same manner at the discretion of administrative personnel.

RACB, where possible, shall notify the family within ten (10) working days of a decision which may provide grounds for a hearing/review. The notice shall state:

- the decision;
- the reason for the decision;
- the right to request a review/hearing;
- the request must be submitted in writing, within ten (10) working days of the notice.

Reviews/hearings shall be conducted by someone other than the person who made or approved the decision or a subordinate of that person. The person who conducts the review/hearing shall regulate the conduct of the proceedings.

The family shall have the opportunity to examine the documents directly relevant to the review/hearing. The family may be represented by counsel, or other representatives at their own expense. The family may present written or oral objections to the decision. The family shall be given the opportunity to present evidence and question representatives. The agency must be allowed to copy, at

RACB's expense, family documents/evidence. If the family does not make the documents available, the family may not rely on the document at the review/hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable in judicial proceedings.

The person conducting the review/hearing shall issue a written decision to the family within ten (10) working days, stating the reason(s) for the decision. Determinations relating to individual circumstances shall be based on the evidence presented.

All requests for hearing/reviews, supporting documentation, and a copy of the final determination shall be retained in the family's file.

THIS PAGE DOES NOT APPLY TO HOUSING ASSISTANCE PAYMENTS CONTRACT WITH EFFECTIVE DATES AFTER OCTOBER 2, 1995.

CLAIMS OF RENT LOSS AND/OR DAMAGES

An owner must submit a written request to RACB for any damage or rent loss claims. The unit shall be inspected upon notification from the owner. Should the inspections reveal the unit is unoccupied and reasonable grounds exist to support a claim, a confirmation letter will be sent to the landlord with the results of the inspection.

The former tenant shall also be notified of the inspection results, asked to respond, reminded of possible financial liability which may result. Where the agency does process the claim, the owner is required to submit appropriate documentation pertaining to costs incurred. Appropriate documentation shall include, but not be limited to: actual repair bill from contractors or canceled checks to a contractor. Only work costs related to items covered in the inspection report shall be considered payment. The documentation must also verify the bills are paid in full.

Documentation to substantiate costs must be submitted within three (3) months of the inspection which verified the validity of the claim. Claims which are not substantiated within this time period shall be considered null and void unless the owner requests, and the agency approves, a longer time period.

The owner must also provide verification of attempts to collect costs from the former tenant. Such verification may be a certified letter returned as undeliverable by the Post Office, a copy of a "Notice to Appear" from Small Claims Court; or other acceptable attempts to contact.

VACANCY CLAIMS

The owner shall be required to provide RACB with documentation that attempts to re-let the unit were attempted. Such documentation shall include, but not be limited to: copies of newspaper advertisements or bulletins in local publications.

MODERATE REHABILITATION PROGRAM SINGLE ROOM OCCUPANCY PROVISIONS

RACB will administer the Single Room Occupancy (SRO) Moderate Rehabilitation project owned by Housing Enterprise for the Less Privileged (H.E.L.P.) Buffalo located at 384 Broadway. H.E.L.P. will be the organization responsible for the provision of supportive services required by the occupants of the building.

Population to be Served

Very low income, homeless adults living apart from other family members are eligible for housing provided under the Section 8 Moderate Rehabilitation SRO Program. SRO's are permanent housing, suitable for adults who have been homeless perhaps due to psychiatric diagnosis, physical disability, or other reasons, but who are able to live relatively independently with minimal supportive services.

Referral Plan

Residents will be referred to H.E.L.P. from city shelters, transitional housing, and other community service providers. H.E.L.P. will refer those applicants to RACB to determine their Section 8 eligibility and monthly rental responsibility.

Erie County has several emergency shelters which are identified by eligibility criteria. Some of those shelters serve people who will be eligible for housing in the SRO: adult men and women, older youth, developmentally disabled and mentally ill adults and people with histories of substance abuse.

Other sources will include Crisis Services, Inc. which operates the Outreach to the Homeless and the Street Homeless Outreach Project (SHOP), in addition to a 24 hour crisis intervention hotline. The existing network of services that offer off site assistance to neighborhood shelters will be an important source of referrals.

HOMEOWNERSHIP PROGRAM

The program will offer an option for families that receive Housing Voucher tenant-based assistance the option of homeownership. The mission of this program is to expand housing opportunities for Section 8 tenants by providing homeownership possibilities in conjunction with self-sufficiency and support.

The goal is to facilitate a successful transition to homeownership while establishing parameters in an attempt to minimize defaults that ultimately have a negative impact on both the family and the community.

PARTNERS

RACB will partner with agencies that bring together all relevant home ownership products and services in a convenient, one-stop locations. A variety of pre- and post-purchase counseling services for first time, low to moderate income homebuyers is required. The staff must be certified in home buyer educations.

TARGETS

The program will provide assistance for first-time homebuyers as defined by HUD policy (no ownership interest, such as title to a residence for the previous three years). Due to time constraints this assistance may only be used to purchase existing housing; units under construction will not be considered.

ELIGIBILITY

The Homeownership Program is offered to current Housing Voucher participants who are enrolled in the FSS Program (with the exception of elderly and disabled, both protected classes, exempt from FSS requirements). FSS participants must be actively completing their goals which, if interested in applying for the Homeownership Program, would include establishing an FSS escrow account.

FSS/HOP participants may be allowed to use monies established in their escrow account to clear credit items, and pay a percentage of the down payments. By coupling HOP with the support services of the FSS program, the expectation is that RACB will provide participants with the best opportunity for a successful transition to homeownership.

Families must demonstrate that the monthly gross income of the head of household and spouse/partner, if applicable, is sufficient to meet homeownership and other family expenses to initially qualify for the program. RACB has opted to set a minimum annual income of \$15,000 for HOP applicant families, or they must have lived on non-welfare income at least two times the Voucher Payment Standard for the unit size for which they are entitled. Welfare Assistance will not be considered when qualifying for the minimum income requirement, except for elderly and/or disabled families.

A family which does not meet RACB's minimum income level but would otherwise qualify for homeownership assistance, may be accepted provided the family obtains bank pre-approval for a loan and meets HUD's minimum of \$12,000. No previous default on a mortgage obtained through the HOP may have occurred. The family must also demonstrate that one or more adult members of the family who will own the home (at commencement of homeownership assistance) is currently employed on a full time basis (as defined by HUD policy with the exception of elderly or disabled families) and has been continuously employed during the year before commencement of HOP assistance. For disabled families, the family must first obtain bank pre-approval for a mortgage and the income must be less than the monthly Federal SSI benefit for an individual living alone multiplied by 12.

The potential owner(s) must attend and complete homeownership counseling to pre-qualify for the program. All families must be in good standing. This means, in addition to the above requirement, no outstanding debt to the agency, no history of complaints from landlords, and the pre-qualification recommendation from a certified housing counseling service.

APPLICATION

Families who indicate interest in the HOP will be briefed as to the program requirements/features and will have their eligibility determined. Families deemed eligible will execute a "Statement of Homeowner Obligations".

PROGRAM REQUIREMENTS

Once a participant in RACB's Homeownership Program, requirements for continuation of assistance are as follows:

- the family must reside in the home purchased;
- the family must comply with the terms of the mortgage;
- the family must complete all RACB reporting requirements.

Homeownership assistance will be limited to a maximum of fifteen (15) years if the initial mortgage term is 20 years or longer. In all other cases, the maximum term of homeownership is ten (10) years. Exempt from the limitations will be elderly and disabled families.

RACB has determined one of the requirements for the program is the establishment of a savings account with an institution of the participant's choice. The purpose of the savings account will be to generate a reserve fund to cover replacement/repair needs. Families may also utilize the escrow account for major items or repairs.

If the family defaults on the home mortgage, the family will not be eligible to receive a rental voucher. Families in this instance will be to re-apply to the Section 8 waiting list (if RACB is accepting applications).

FINANACIAL STRUCTURE

Although the family is responsible for securing its own financing, RACB will reserve the right to determine whether or not the family can afford the proposed financing. In order to protect the family, RACB will prohibit any financing which include balloon payments, variable interest rates, or private seller financing. A requirement that the maximum interest rate be no more than one percentage point above the current Fannie Mae ninety day delivery note rate, will also provide structure to the financing arrangement.

INSPECTIONS

The final rule requires an independent, professional home inspection, paid by the family, to identify physical defects, and inspect the condition of the major building systems and components. Such inspection will require the independent inspector to compile a list of items that are likely to need repair or replacement within the subsequent five year period. A copy of the independent inspection report must be given to RACB.

In accordance with HUD policy, an HQS inspection must also take place. It is intended that the two inspections will assist the potential home buyer to make an informed choice on whether or not to proceed with the particular unit.

EIV/REPAYMENT AGREEMENTS

RACB will disclose to participants at Briefings the use of the Upfront Income Verification (UIV) tools and the Enterprise Income Verification (EIV) system. Income discrepancies reported from EIV, or other sources, are compared to tenant files. Families will be required to reimburse RACB if the family paid less rent than required by HUD's rent formula because of the family's failure to report income.

When uncalculated income amounts are less than \$3,500.00, a letter will be sent to the family, reminding them of their responsibility to report income changes whenever they occur. No other action will be taken.

When uncalculated income amounts are more than \$3,500.00, RACB will obtain written 3rd party verification to supplement the reported income sources. If RACB is unable to obtain third party verification, the family will be notified of the discrepancy and the burden of proof will be on the family to provide proof to contradict/negate the report. The notification will describe the discrepancy, advise the family of possible termination from the program, and/or offer the opportunity to enter into a repayment agreement. There will be a specified time to respond to the notice, including the family's right to request a meeting to discuss the discrepancy.

Discrepancies that cannot be cleared after a file review and/or discussion with the family will result in termination of assistance. The family will be notified of the termination and given the right to an Informal Hearing.

Repayment agreements will be based on the uncalculated income. Each agreement will be handled individually. It will be required that the family make an initial payment of 10% of the repayment amount. In general, repayment agreements will not extend beyond 24 months.

Amounts in excess of \$15,000.00 will result in termination from the program and may be forwarded to the Office of the Inspector General. Furthermore, anyone terminated for uncalculated income will have their name placed in HUD's Nation Repository in accordance with HUD's policies. Family names entered into the National Repository will remain on file for ten years. Removal of the name from the National Repository may occur before ten years if: (1) the family pay what it

owes to RACB; (2) the family provides proof it paid what is owed on a judgment to an owner for an eviction for non-payment; or (3) the family makes a written request to remove their name which was entered as a result of family non-compliance. In this last example, the name removal request will not be honored until at least 3 years have passed.

Once a repayment agreement is signed, an intent will be sent for any given month when the payment has not been made. Should the family be terminated for failing to honor a repayment agreement, reinstatement may require past and present payments to be made current. If a family becomes current and is reinstated, any future failures to pay on time may result in immediate termination from the Housing Voucher Program.

A family in a current repayment agreement will not be permitted to port their assistance until the repayment is paid in full.

RACB may renegotiate repayment agreements but will generally require that at least 1/3 of the total had been paid and payments are current.

VIOLENCE AGAINST WOMEN ACT (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenants and family members of tenants who are victims of domestic violence, or stalking from being evicted or terminated from public housing based on acts of violence against either the tenant or family member.

RACB has always allowed participants the right to provide documentation regarding the issue to avoid termination and will continue to do so. All Briefing packages contain the information regarding VAWA and how to obtain the form to avoid termination.

In addition, RACB has included victims of domestic violence in its definition of homelessness. Preference in providing assistance is therefore made possible.

RACB work with several agencies that provide assistance to victims of domestic violence and will continue to do so. The information regarding VAWA is available to all interested parties via RACB's website: www.racbny.org.

PROJECT BASED VOUCHER PROGRAM

This section describes the policies and procedures that apply to the project-based voucher program. Except as specified here, all program activities will be conducted in accordance with the Section 8 Administrative Plan of the Rental Assistance Corporation of Buffalo.

All the following applies to units selected for inclusion in the project-based voucher program for existing housing. Additional requirements for the project-based voucher program for newly constructed or rehabilitated units are marked with an asterisk (*).

Consistency with Agency's Plans

In accordance with RACB's Annual and Administrative Plans, project-based vouchers will be used to:

- expand housing opportunities in low-poverty areas for families with children; and
- expand housing opportunities for elderly and/or disabled families.

Project-based Voucher Programs

RACB will administer project-based voucher program for existing housing and for newly constructed or rehabilitated housing. "Existing housing" is defined as housing that requires less than \$1,000 per unit in repairs necessary to meet Housing Quality Standards (HQS). RACB generally anticipates that these units can be brought into compliance within HQS within 30 days.

"Rehabilitated housing" is defined as housing that requires repairs totaling \$1,000 or more per unit in order to meet HQS. Repair costs for existing and rehabilitated housing include the pro-rata share of repairs to common areas and systems.

Unit Selection

A. Request for Proposals

RACB will issue a written Request for Proposals (RFP) for each round of project-based vouchers to be awarded. The RFP will contain information about:

- RACB's goals for the use of the vouchers;
- The number of vouchers available;
- The type of housing to be used (existing or new construction/rehabilitations);

- Timeframes for completion of necessary repairs, rehabilitation and/or construction;
- Proposal selection criteria;
- Materials to be submitted;
- The deadline for proposals; and
- The date of the pre-proposal conference.

B. Advertisement

For each round of project-based voucher proposals, RACB will advertise the availability of project-based voucher assistance in the Buffalo News. The advertisement will contain information about the number of vouchers available, the selection criteria, the deadline for applications, how to obtain the RFP packet, and the date of the pre-proposal conference.

The advertisement will run once a week for three weeks. Proposals will be due at least thirty (30) days after the last date that the advertisement is run.

C. Pre-Proposal Conference

A pre-proposal conference for prospective proposers will be held after the last advertisement is run. The conference will provide proposers with an opportunity to learn more about the project-based voucher program and to ask any questions they may have about the application process. Questions that cannot be answered at the conference will be answered in writing. The answers will be sent to all attendees and to other proposers upon request.

D. Questions

RACB will accept questions by telephone, fax, e-mail or mail up to the date of the pre-proposal conference. Answers to submitted questions will be included with answers to questions asked at the pre-proposal conference, and will be sent to all proposers upon request.

At any time prior to the proposal deadline, RACB will provide information to prospective proposers regarding the poverty rates for census tracts in which proposed units are located.

E. Proposal Submission

Proposals must be received by RACB no later than the date and time specified in the RFP. Proposals may be mailed, sent by a private delivery service or hand-delivered to RACB's office. Proposals submitted by fax or e-mail will not be accepted.

F. Initial Review

Within three (3) working days of the proposal deadline, RACB will review all proposals to determine whether proposed units meet the minimum standards under the applicable RFP.

- For proposals submitted in response to an RFP for units in low-poverty census tracts. RACB will determine whether the units are in census tracts with poverty rates below 20%. This information will be verified using the TOGER Census Tract Street Locator and the tract "Profiles" at www.census.gov.
- For all proposals, RACB will determine whether the unit sizes proposed are consistent with the RFP.
- For proposals submitted in response to an RFP setting forth other requirements, such as provisions for accessibility and/or supportive services for elderly and/or disabled families, RACB will determine whether the proposer has addressed these requirements.

Proposers whose proposals are rejected at the initial review stage will be notified in writing of the reason(s) for the rejections. If a proposal covers both eligible and ineligible units, the proposer will be notified which units have been rejected, and will be asked to advise RACB whether the remaining units would be considered. Proposers will not have the option to substitute additional units for ineligible units included on the initial proposal.

G. HQS Inspections

All proposed units will be inspected for compliance with HUD's Housing Quality Standards. Deficiencies will be recorded on an Inspection Report Form. Based on the number and severity of the deficiencies in each unit, the inspector will make a determination as to the approximate per unit cost for repairs.

To qualify as existing housing, units must require less than \$1,000 in repairs to meet HQS. The per-unit cost includes the pro-rate cost of repairs to common areas or systems. *To qualify as newly-constructed or rehabilitated housing, the per-unit cost for construction or repairs must equal or exceed \$1,000. The per-unit cost includes the pro-rata cost of repairs to common areas or systems.

H. Determining Reasonable Rents

When a proposer is requesting project-based assistance for 25% or less of the units in an existing building or development, RACB will review the proposed rents to determine whether they are reasonable. For units in multi-family buildings, or developments, rent paid by the unassisted tenants for comparable units on the same premises will be considered reasonable. For other rental units, RACB will compare the proposed rents with rents for comparable unassisted units in the market area. Unit location, size, age, condition, utilities and amenities and services provided by the owner will be considered.

If a proposer is requesting project-based assistance for more than 25% of the units in a building or project, RACB will have comparability analysis performed by a state-certified appraiser, in conformance with the requirements of 24 CFR 983.256.{c}.

If RACB determines that the rent requested by the owner exceeds a reasonable rent for the units, RACB will decide on a lower, reasonable rent to be proposed to the owner.

I. Affordability

RACB will not approve rents for project-based units that exceed 110% of the published Fair Market Rent. The statutory limit on the initial rent that a family can pay does not apply.

J. Selection Criteria

After unit inspections and determinations have been completed, RACB will determine the number of units potentially eligible. If the number of potentially eligible units exceeds the number of vouchers available under the RFP, proposals will be rated and ranked in accordance with the following selection criteria:

- Proposed Population
 - Senior 0 points
 - Family 10 points
- Unit Size
 - 2 bedrooms 0 points
 - 3 bedrooms 10 points
 - 4 bedrooms 20 points
 - 5+bedrooms 30 points
- Median Income of Census Tract Expressed as a % of Area Median Income (AMI)
 - Median greater than 90% of AMI 20 points
 - Median greater than 100% of AMI 40 points
 - Median greater than 110% of AMI 60 points

If a project contains a bedroom mix, RACB will determine the average number of bedrooms in the project and pro-rate the points: a 100 unit project with 50 2-bedroom units and 50 3-bedroom units will get 5 points on unit size.

K. Unit Selection

Units will be awarded in the order in which projects are ranked until all units are awarded. If the number of remaining units is insufficient to fully fund the last proposal selected, the owner will be given an offer of a HAP for fewer units than proposed.

L. Owner Notification

Owners of eligible units will be notified in writing of

- the results of RACB's unit inspections;
- the results of the rent review and the unit rent proposed by RACB; and
- the number of the proposer's units that can be placed under HAP contract if all proposers agree to RACB's terms.

M. Final Offers

Based on owners' responses to the preliminary offers, additional offers will be made in the order in which proposals are ranked until all units have been awarded.

N. Agreement to enter into a Housing Assistance Payments Contract (AHAP)

For existing units, the owner will be advised that the repairs must be completed and the HAP contract executed within 45 days of selection. No AHAP is needed.

* For newly-constructed or rehabilitated units, RACB will execute an AHAP Contract. The Agreement will specify the units selected, the construction or repairs to be done, the time allowed for completion of the work and the rents to be paid upon completion of the work and execution of the Housing Assistance Payments Contract (HAP).

O. HAP Contract Execution

HAP contracts for all units accepted into the program must be executed within the timeframes established in the final notice of selection or the AHAP. If the selected units require repairs to comply with HQS, the units will be reinspected prior to contract execution to verify all necessary repairs have been made.

P. HAP Term

Unless the owner has requested a shorter term, the term of the HAP contract will be 10 years, subject to continued funding availability.

Tenant Selection

A. Waiting List

RACB will maintain a single waiting list for its tenant-based voucher programs. At the time applications for assistance are taken or updated, RACB will inform applicants of the occasional availability of units receiving project-based assistance, and ask them to indicate whether they when to be notified when vacancies occur. This information will be included with other pertinent applicant information on the waiting list.

B. Owner Referrals

Owners of units under a project-based HAP contract may refer families interested in leasing the units to RACB for placement on the waiting list. These applications will be accepted whether the waiting list is currently open or closed. However, the families will be given no special preference and will be selected in accordance with RACB's participant selection policies.

C. Notice of Available Units

When a project-based unit becomes available, RACB will provide notice of the availability to current voucher holders and assisted families who are looking for new units.

D. Preferences

A selection preference for accessible project-based units and/or project based units providing supportive services will be given to elderly and/or disabled families requiring modifications and/or services. All other provisions of RACB's participation selection plan will apply.

E. Income Targeting

Families admitted to units with project-based assistance who have not previously received assistance from RACB or another PHA will be included in RACB's income targeting goals, which require that 75% of families admitted to the program annually be extremely low income families.

Ongoing Functions

A. Rent Adjustments

Owners may request a rent increase at any time an increase is permitted under the lease. Notice of the proposed rent increase must be given to RACB. RACB will determine whether the increased rent is reasonable in comparison with similar units in the market area.

B. Unit Inspections

All common areas and systems and a 25% sample of the assisted units in any project-based building or development will be inspected annually to confirm that the units are being maintained in compliance with Housing Quality Standards.

C. Tenant Moves

Families who lease units receiving project-based assistance will be eligible to receive tenant-based vouchers after they have lived in the assisted unit for 12 months, and after giving the owner the notice of intent to vacate required under the lease. If there is no voucher available at the time the family wishes to move, the family will be eligible to receive the next voucher that becomes available.

D. Tenant Evictions

Owners may evict families from units receiving project-based assistance for serious and/or repeated violations of the lease, including non-payment of the tenant rent and/or utilities, or willful or negligent damage to the unit. Families evicted for cause from units assisted under RACB's project-based voucher program will not be eligible to move with continued assistance.

E. Vacancy Payments

During the time that a unit is vacant, the owner may receive vacancy payments provided that the vacancy was not caused by the owner and the owner has taken timely action to fill the unit. Vacancy payments are made for up to 60 days in an amount equal to RACB's HAP for the family vacating the unit. Vacancy payments will not be made for any period prior to the owner's notice to RACB that the unit is vacant.

F. Reductions in Assisted Units

If a project based unit remains vacant for more than 120 days, despite the good-faith efforts of the owner and RACB to find a replacement tenant, RACB will remove the unit from the AHAP contract and terminate its commitment to make any additional housing assistance payment for the balance of the HAP contract term.

G. HAP Contract Termination

RACB will terminate the project-based HAP contract for any owner who repeatedly failed to maintain the assisted units in compliance with HQS, or who repeatedly failed to take action against assisted or unassisted tenant who engage in violent and/or drug-related criminal activity.