

ADMINISTRATIVE PLAN
FOR THE RENTAL ASSISTANCE
PROGRAM

VILLAGE OF WALTON, NEW YORK

Administered by:

Delaware Opportunities Inc.
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Delaware Opportunities Inc.
Section 8 Housing Assistance Program
Administrative Plan

for:

Housing Choice Vouchers

Family Self Sufficiency

Homeownership

and covering the following communities:

Villages of Walton, Hancock, Deposit, Sidney, Margaretville and Delhi

Towns of Kortright, Davenport, Stamford, and Middletown

TABLE OF CONTENTS

	Page
Introduction.	1
Section 1.0 Selection and Admission Policies.	2
1.01 Hiring a Housing Choice Voucher Participant as an Employee of Delaware Opportunities Inc..	2
1.02 Eligibility of Delaware Opportunities for Housing Choice Voucher Program Assistance..	2
1.03 Preference.	2
1.04 Opening the Waiting List.	3
1.05 Closing the Waiting List.. . . .	3
1.06 Purging the Waiting List.	4
1.07 Removal of Applicants from the Waiting List.. . . .	5
1.08 Screening of Applicants.	6
1.09 Grounds for Denial of Assistance.. . . .	7
1.09.01 Grounds for Denial of Assistance Not Related to Criminal Convictions..	7
1.09.02 Grounds for Denial Due to Criminal Convictions.. . . .	9
1.10 Confidentiality of Criminal Records.	10
1.11 Notification of Negative Actions.	11
1.12 Application Procedures.	11
1.13 Applicant Status While on Waiting List.	13
1.14 Time of Selection.. . . .	13
1.15 Income Targeting Requirement.	14
1.16 Selection of Families from the Waiting List.	14
1.17 First Year Limitation on Where Family Can Lease a Unit at Initial Participation in the Program.. . . .	15
1.18 Eligibility of Students for Assisted Housing under Section 8.. . . .	15
1.19 Initial Eligibility Certification.. . . .	16
1.20 Requirement to Attend Interview.	16
1.21 Portability Moves from Other PHAs.. . . .	17
1.22 Income Verification.	17
1.22.01 Child Support.	18
1.22.02 Pay Stubs as Verification of Income.	18
1.22.03 Asset Verification.	18
1.23 Final Determination and Notification of Eligibility.	19
1.24 Document Retention for Applicants and Participants.	19
1.24.01 Applicants.. . . .	19
1.24.02 Participants.. . . .	20
1.24.03 Criminal Records.	20
Section 2.0 Issuing Vouchers.	21
2.01 Voucher Term.	21
2.02 Voucher Expiration.	21
2.03 Suspensions.	22
2.04 Extensions.	22

2.04.01	Reasonable Accommodation Extensions.	22
2.04.02	Extensions Due to Extenuating Circumstances.	22
2.05.	Delaware Opportunities Assistance to Voucher Holders.	22
Section 3.0 Special Admissions.		24
Section 4.0 Occupancy Policies.		25
4.01	Definition of Groups of Persons that May Qualify as a Family.	25
4.02	Family Guests.	26
4.03	Room-mates.	26
4.04	Definition of When an Applicant is Considered to be Continuously Absent.	26
Section 5.0 Encouraging Participation in Areas of Non-Concentration.		27
Section 6.0 Affirmatively Furthering Fair Housing.		28
6.01	Assistance to Families Claiming Discrimination.	28
6.02	Section 8 Housing Choice Voucher Programs.	28
6.03	Fair Housing Policies.	29
6.04	Violence Against Women Act (VAWA).	30
Section 7.0 Providing Participant Information to Prospective Owners.		32
Section 8.0. Disapproval of Owner.		33
Section 9.0 Grounds for Terminating Assistance.		35
9.01	Terminating for Alcohol Abuse or Criminal Drug Activity.	35
9.02	Termination of Assistance to Sex Offenders.	35
9.03	Other Reasons for Terminating Assistance.	36
Section 10. Subsidy Standards.		38
10.01	Determination of Family Unit (Voucher) Size.	38
10.02	Exceptions to Subsidy Standards.	40
10.03	Requests for Exceptions to Subsidy Standards.	41
10.04	Errors in Subsidy Standards.	41
10.05	Changes for Applicants.	41
10.06	Changes for Participants.	41
10.07	Under-Housed and Over-Housed Families.	42
10.08	Ineligible Housing.	42
Section 11.0 Family Absence from the Dwelling Unit.		44
Section 11.01 Confinement to Nursing Home or Hospital.		44
Section 12.0 Determining Assistance if a Family Breaks Up.		45
12.01	Remaining Members of Tenant Family.	45

Section 13.0 Informal Review Procedures for Applicants Preference Denials.	46
13.01 Preference Denials.	46
13.02 Informal Review Procedures for Applicants.	46
13.03 When an Informal Review is Not Required.	46
13.04 Informal Review Process.	47
13.05 Procedure for Review.	47
13.06 Mitigating Circumstances for Applicants with Disabilities.	48
13.07 USCIS Determination of Ineligibility.	48
13.08 Restrictions on Assistance to Non-Citizens.	48
13.09 Informal Review Regarding Citizenship Status with Delaware Opportunities.	49
 Section 14.0 Informal Hearing Procedures for Participation.	 50
14.01 Consideration of Circumstances.	50
14.02 When a Hearing is Required.	50
14.03 When a Hearing is not Required.	51
14.04 Notice to the Family.	52
14.05 Hearing Procedures.	52
14.06 Effect of the Decision.	53
14.07 Mitigating Circumstances for Participants with Disabilities.	53
14.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens.	54
14.09 USCIS Determination of Ineligibility.	55
14.10 Informal Delaware Opportunities Hearing.	55
 15.0 Complaints.	 56
 16.0 Payment Standard.	 57
16.01 Setting the Payment Standard.	57
16.02 Revising the Payment Standard.	57
16.03 Reasonable Accommodations.	58
 Section 17.0 Owner Rents and Rent Reasonableness.	 59
17.01 Rent to Owner in the Housing Choice Voucher Program.	59
17.02 Rent Proration.	59
17.03 Rent Reasonableness Determinations.	59
17.04 Rent Reasonableness Methodology.	60
 Section 18.0 Special Housing Types.	 61
 Section 19.0 Participant Payments for Amounts Owed Delaware Opportunities.	 62
19.01 Repayment Agreements - General.	63
19.02 Repayment Agreements - Fraud Recovery.	64
19.03 Late Payments.	64
19.04 Minimum Rents.	65
 Section 20.0 Utilizing the Enterprise Income Verification (EIV) System.	 66

20.01	Demonstrating Compliance with Mandatory Use of EIV.	66
20.01.01	Debts Owed to PHAs & Termination Module.	67
20.01.02	Policy Governing DTDB Entries.	68
20.01.03	Screening Families Through EIV's "Former Tenant Search" Module.	68
20.01.04	Mandatory Monitoring of EIV Reports.	68
20.02	Income Discrepancy Resolutions.	69
20.03	EIV Security Measures.	70
20.03.01	Handling of Discrepancy Reports.	70
20.03.02	Records Retention.	70
20.03.03	Disposal of Applicant and Participant Records.	70
20.03.04	EIV Security Monitor.	71
20.03.05	Storage of EIV Documents.	71
20.03.06	EIV Security Awareness Training.	71
	Section 21.0 Recertifications.	72
21.01	Interim Recertifications.	72
21.02	Effective Date of Changes for Interim Recertifications.	72
21.03	Annual Recertifications.	73
21.04	Verification Guidance and Public Assistance Income Calculations.	74
21.05	Zero Income Families.	74
21.06	Minimum Rent Hardship Exemption.	74
	Section 22.0 Restrictions on Moves by a Participant Family.	76
	Section 23.0 Housing Quality Standards (HQS) Inspection Policies.	77
23.01	Requirements and Guidelines for Inspections.	77
23.02	Initial HQS Inspections.	78
23.03	Annual HQS Inspections.	79
23.04	Verification of HQS Deficiencies.	79
23.05	Reinspections.	80
23.06	Notification of HQS Failures.	80
23.07	Time Standards for Repairs.	80
23.08	Rent Increases.	80
23.09	Move Out/Vacate Inspections.	81
23.10	Special/Complaint Inspections.	81
23.11	Quality Control Inspections.	81
23.12	Accessibility Modifications to HQS.	81
23.13	Emergency Repair Items.	81
23.14	Lead Based Paint.	82
23.14.01	Initial Inspection.	82
23.14.02	Annual/Periodic Inspection.	83
23.15	Smoke and Monoxide Detectors.	84
23.16	Determination of Responsibility.	84
23.17	Consequences When Owner is Responsible (Non-Emergency Items).	85
23.18	Reduction of Payments.	85

23.19	Termination of Contract.	86
23.20	Consequences When Family is Responsible.	86
Section 24.0	Section 8 Home Ownership.	87
24.01	Introduction.	87
24.02	Permitted Ownership Arrangements.	87
24.03	Determination of Family Eligibility.	87
24.04	Home Ownership Counseling.	89
24.05	Home Inspections.	90
24.06	Determination of Home Ownership Assistance Levels.	91
24.07	Mortgage Financing and Down Payments.	92
24.08	Home Search.	93
24.09	Post-Purchase Activities.	93
24.10	Portability.	94
24.11	Length and Continuation of Assistance.	94
24.12	Home Ownership Option 10 Year Exclusion (Reference 24 CFR 5.603(b) Net Family Assets).	95
24.13	Recapture Provisions and Re-Sales.	96
24.14	Defaults.	96
24.15	Family Obligations.	96
24.16	Termination.	98
24.17	Family Self Sufficiency (FSS) and Home Ownership.	98
24.18	File Documents for Audit Trail.	99
24.19	Re-enrollment in the Home Ownership Program.	100
Section 25.0	Project Based Voucher Program.	102
APPENDIX A: DEFINITION OF TERMS USED IN THIS ADMINISTRATIVE PLAN. . . .		103
APPENDIX B: NUMBER OF VOUCHERS, GEOGRAPHIC AREA SERVED, PROGRAMS OPTIONS.		110
APPENDIX C: JOB DESCRIPTIONS.		111

INTRODUCTION

Delaware Opportunities Inc. serves as the administering agency for the Village of Walton Housing Choice Vouchers Program. In March of 2008, the Village of Walton joined with the Villages of Delhi, Deposit, Sidney, Hancock and Margaretville and the Towns of Middletown, Kortright, Stamford, and Davenport to provide a consolidated Housing Choice Vouchers Program with the Village of Walton as the formal grantee under NY541. A single administrative plan has been developed to provide for a single waiting list and operating procedures.

The section 8 program enables each respective community to meet the needs of extremely low, very low, and low income families, including the elderly, disabled, and handicapped through a single program. This program is designed to assist such families in finding sound housing or to remain in decent, safe and sanitary housing at a cost they can afford. The village of Walton is the formal grantee for this consolidated program which is ultimately responsible for the implementation of the program. The Village of Walton has contracted with Delaware Opportunities for the local administration of the program. The full responsibility for administering the program rests with the legal grantee; however, Delaware Opportunities is responsible for day to day administration of the program. The division of responsibilities is established via a contract by and between the Village of Walton and Delaware Opportunities Inc.

In the operation of the program, Delaware Opportunities will adhere to the Section 8 Housing Choice Vouchers Program rules, regulations, statutes and guidelines. Maximum effort will be made to provide equal opportunity, affirmatively further fair housing, and provide equal employment opportunity.

Section 1.0 SELECTION AND ADMISSION POLICIES

It is the policy of Delaware Opportunities to ensure that all families who express an interest in housing assistance are given equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for selecting and admitting families to the Village of Walton Housing Choice Voucher (HCV) Program including completion of an application for assistance, placement and/or denial of placement on the waiting list and limitations on who may apply.

1.01 Hiring a Housing Choice Voucher Participant as an Employee of Delaware Opportunities Inc.

Housing choice voucher participants may be employees of Delaware Opportunities Inc.; however when hiring such people, Delaware Opportunities shall apply the same Section 8 standards and policies set forth in HUD rules and regulations and this Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files will apply equally to the employee. Special efforts shall be taken to assure that the employee/recipient is not receiving preferential treatment. This policy also applies to program participants who are relatives of employees. In all cases, where a relative of the employee has applied to the program, the determination of eligibility, calculation of rental assistance, inspection of the housing unit, etc. will be performed by staff unrelated to the applicant.

1.02 Eligibility of Delaware Opportunities for Housing Choice Voucher Program Assistance

Employees of Delaware Opportunities who are otherwise qualified may apply and receive HCV program assistance. Delaware Opportunities will apply the same Section 8 standards and policies set forth in HUD rules and regulation sand this Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files will apply equally to the employee. This policy also applies to relatives of employees. The word “relative” as used in this section pertains to parent, child, grandparent, grandchild, sister, or bother of an employee

1.03 Preferences

The only federal preference that will apply will be the selection of elderly, disabled, and handicapped singles before other singles. Single family households who are elderly, disabled, handicapped, or displaced will also be selected before other single family households.

Local Preferences. Delaware Opportunities will give preference to families who reside within Delaware County when the application is filed before selecting families who do not

reside in Delaware County. A local preference will also be applied to families with victims of domestic violence. Local preference will be equally rated. Hence a domestic violence victim household would receive two local preference points if the household also currently resided in Delaware County when the application was filed.

1.04 Opening the Waiting List

Delaware Opportunities will utilize the following procedures for opening the waiting list:

When Delaware Opportunities determines that there are an insufficient number of applicants on its waiting list, Delaware Opportunities will advertise through public notice and/or press releases to local newspapers of general circulation. The notice shall provide information on income and other general eligibility requirements and the following:

- The dates, time, location, and other relevant contact information regarding where families may apply;
- The programs for which applications will be taken;
- The specified period (if any) for which applications will be received by Delaware Opportunities;
- A brief description of the program;
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodations will be made where necessary to ensure equal participation in housing assistance;
- A statement affirming compliance with equal housing opportunity requirements and affirming compliance with equal housing opportunity requirements; and
- The federal Equal Housing Opportunity Logo.

After the closing deadline (if any) for accepting applications and if requested by a person with a disability, additional time will be given as a reasonable accommodation for submission of an application.

In conjunction with opening the waiting list, Delaware Opportunities will prepare an Affirmative Fair Housing Marketing Plan which addresses:

- Conducting outreach to advocacy groups (i.e., disability rights groups) on the availability of housing assistance;
- Identifying and outreaching to the population that is least likely to apply, both minority and non-minority groups through various forms of media (i.e. radio stations, posters, newspapers) within the marketing area and through various community groups.

1.05 Closing the Waiting List

Delaware Opportunities may discontinue receiving applications if there are enough applicants to fill anticipated openings for the next 24 months. The waiting list will not be closed if to do so would have a discriminatory effect inconsistent with applicable civil rights laws.

Delaware Opportunities will announce the closing of the waiting list by public notice.

1.06 Purging the Waiting List

Delaware Opportunities will update and purge the waiting list annually to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Purging should also enable Delaware Opportunities to update information, regarding address, family composition, income category and preferences.

Prior to purging the waiting list:

- Delaware Opportunities will save a copy of the pre-purged waiting list.
- All applicants who are affected by the purge must be notified by mail.

Before removing an applicant from the waiting list due to the applicant's failure to respond to the initial contract letter, a second letter must be mailed to the applicant. If the applicant does not respond to the second notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

Purging is only required for applicants that have been on the waiting list for 12 months or more. The name and address of each applicant must be typed or written on the original contact letter. Letters must include the name and address of the applicant notified.

Delaware Opportunities will advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application.

When the purge is initiated, a letter will be sent to the applicants in the order in which they appear on the waiting list. The number of applicants on the waiting list should be equal to 50% of the current size of the Delaware Opportunities program. The letter will indicate that the purpose of the contact is:

- to determine applicant interest in remaining on the waiting list; and
- to offer the family an opportunity to update any information previously provided to Delaware Opportunities Inc.

The contact letter will require the applicant to provide return correspondence in the following circumstances:

1. The applicant wishes to be removed from the waiting list, or
2. The applicant wishes to update information currently on file provided by Delaware Opportunities to expedite return of requested information.

Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, Delaware Opportunities will update the information on the computer and re-mail the letter to the new address. In such cases, an applicant's name should not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to the notice.

In addition, and if applicable, Delaware Opportunities will also notify the contact person or organization provided by the applicant on Form HUD-92006, "Supplement to Application for Federally Assisted Housing (see section of form entitled "Reason for Contact"), before removing the applicant's name from the active waiting list.

Delaware Opportunities will compare results of the purge to regular annual program participant attrition rates. If the initial purge results in an inadequate number of applicants to offset regular program attrition rates, Delaware Opportunities will conduct additional outreach until it is determined that there are sufficient numbers of active applicants.

1.07 Removal of Applicants from the Waiting List

Delaware Opportunities will remove an applicant's name from the waiting list under the following conditions:

- The applicant requests, in writing, that his/her name be removed;
- The applicant fails to respond to a written request for information;
- Correspondence is returned to Delaware Opportunities by the Post Office as undeliverable;
- The applicant misses two or more scheduled appointments/briefings; or
- The applicant does not meet either program eligibility or screening criteria.

When an extenuating circumstance prevents an applicant from responding to Delaware Opportunities correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant shall be granted by Delaware Opportunities subject to acceptable documentation verifying the extenuating circumstance. If reinstatement is granted, the applicant will retain his/her original position on the waiting list.

Extenuating circumstances include, but are not limited to the following:

- When a death has occurred in the family;

- Hospitalization;
- Illness;
- Incarceration; and
- Other circumstances determined by Delaware Opportunities.

Upon receipt of acceptable verification the applicant's position will remain the same on the active waiting list for a period of 90 days from the date on which Delaware Opportunities initially contacted the applicant. The applicant is responsible for rescheduling the appointment or briefing with Delaware Opportunities during the 90 day period.

At the end of the 90 days the applicant's name must be removed from the active waiting list and determined ineligible.

In no event will an applicant's name be held in abeyance on the active waiting list based on his/her representation that h/she is not ready to be processed when reached on the list.

Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

Reinstatement requests based on extenuating circumstances will only be considered within 90 days of the date of Delaware Opportunities' correspondence.

1.08 Screening of Applicants

As part of the Delaware Opportunities process for determining eligibility for participation, Delaware Opportunities will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 982.553 of the program regulations.

All adult applicant family members will be required to sign a release of information which will authorize Delaware Opportunities to access criminal records.

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, Delaware Opportunities may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). Delaware Opportunities will also check with the State sex offender registration program to determine if an individual is subject to a lifetime registration requirement as a State sex offender.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, Delaware Opportunities will provide any factual information or third

party written information available to the agency relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

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

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before Delaware Opportunities approves tenancy, Delaware Opportunities will inform the owner that screening and selection for tenancy is the responsibility of the owner. The owner is responsible for screening families based on their tenancy histories, including such factors as:

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

All screening procedures will be administered uniformly, fairly, and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

To the maximum extent possible, Delaware Opportunities will involve other community and governmental entities in the promotion and enforcement of this policy. This policy will be posted on the Delaware Opportunities bulletin board and copies made readily available to applicants and participants under request.

1.09 Grounds for Denial of Assistance

1.09.01 Grounds for Denial of Assistance Not Related to Criminal Convictions

Delaware Opportunities will deny assistant applicants who:

1. Do not meet any one or more of the eligibility criteria;
2. Do not supply information or documentation required by the application process;
3. Fail to complete any aspect of the application or lease up process;

4. Have engaged in a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises;
5. Currently owe rent or other obligation to any housing authority in connection with the public housing or Section 8 program;
6. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program including the intentional misrepresentation of information related to their housing application or benefits derived therefrom.
7. Have a household member who was evicted from federally assisted housing for reasons other than criminal activity as set forth in 109.02 below.
8. Has a household member who is illegally using a controlled substance or abuses alcohol in a way that interferes or will interfere with the health, safety or right to peaceful enjoyment of the premises by other residents;
9. Have engaged in or threatened abusive or violent behavior toward any Delaware Opportunities staff member;
10. Have a household member who has been terminated from a rental assistance program during the past three years. This three-year prohibition does not apply to a household member who voluntarily withdrew from the program and was in good standing at the time.

These circumstances governing denial of assistance to applicants shall also be applicable to any and all instances wherein a participant household wishes to admit an additional household member who meets any of the above conditions.

Discretion for Waiving Denial of Assistance:

Delaware Opportunities may waive the decision to deny assistance, including denial during the ineligibility period, as applicable, if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program, or
- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity, including drug or alcohol abuse is no longer in the household due to death or incarceration; or

- for a violation stemming from the use or abuse of drugs or alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, the person demonstrates to the satisfaction of Delaware Opportunities that the person is no longer engaging in the drug or alcohol-related activity; or

Delaware Opportunities may approve assistance to an otherwise eligible household, provided that the household member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, Delaware Opportunities may consider individual circumstances with the advice of Juvenile Court officials.

In deciding whether to deny program admission (or terminate assistance) because of prohibited non-conviction activity by members of the household, Delaware Opportunities will consider all of the circumstances in each case, including the seriousness of the activity, the extent of participation or culpability of individual household members, the length of time since the activity occurred, the household's more recent history, the household's record of compliance with program requirements, and the effects that denial of program admission (or termination of assistance) may have on other household members who were not involved in the action or failure to act.

1.09.02 Grounds for Denial Due to Criminal Convictions

Delaware Opportunities will deny applicants who:

- (1) have a household member, including the applicant, who have ever been convicted of drug relative criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;
- (2) have a household member, including the applicant, who have been convicted of crimes that subject them to a lifetime registration requirement as a State sex offender.

Delaware Opportunities may deny applicants who have household members, including the applicant, with criminal convictions that involved physical violence to persons or property or that adversely affected the health, safety and welfare of other people. Delaware Opportunities may not reject an applicant based solely on the fact that a household member has such conviction(s) but must conduct an individualized assessment of each household member who has such conviction(s), taking into account:

- (1) the time which has elapsed since the criminal conviction(s)

- (2) the age of the person at the time of the conviction(s)
- (3) the seriousness of the conviction(s)
- (4) any information produced by the household member, or produced on his or her behalf, in regard to rehabilitation and good conduct, including, but not limited to, evidence of completion of treatment, rehabilitative programming, history of employment and tenancy, volunteer or community activity and letters of reference from employers, landlords, community members or others who could speak to the person's conduct since the conviction(s)
- (5) where termination of continued occupancy is considered, the effects that termination of occupancy would have on household members who do not have convictions.

If, after conducting this assessment, Delaware Opportunities determines that it will deny the applicant, it must be able to articulate its reasoning with specificity. Delaware Opportunities shall communicate its decision to the applicant, together with the reasons for its determination.

1.10 Confidentiality of Criminal Records

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

All criminal reports, while needed, will be housed in a locked file with access limited to Delaware Opportunities staff members responsible for screening and determining eligibility for initial and continued assistance. Misuse of the above information by any employee of Delaware will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report must be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information must be shredded immediately upon completion of the review or hearing procedures and the final decision.

Delaware Opportunities will document in the family's file the circumstances of the criminal report and the date the report was destroyed.

1.11 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified in writing by Delaware Opportunities that he/she has ten (10) business days from the date of the written correspondence to request an informal review. The letter will also indicate that the applicant's name will be removed from the waiting list if he/she fails to respond within the time limit specified.

Delaware Opportunities' system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If the applicant's failure to respond to a request for information or updates was caused by the applicant's disability, Delaware Opportunities will provide a reasonable accommodation. If the applicant indicates that he/she did not respond due to a disability, Delaware Opportunities will verify that the applicant is disabled. An example of reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

1.12 Application Procedures

Applicants must utilize the Delaware Opportunities Housing Assistance application. The applicant will be responsible for completing all sections of the application. If an applicant with a disability requests assistance as a reasonable accommodation, Delaware Opportunities will arrange for it.

The primary purpose of the application intake function is to gather pertinent eligibility information on applicants. This process will also be utilized by Delaware Opportunities to provide such information to applicants as may be necessary to ensure accurate and timely decisions concerning eligibility and to expedite provision of assistance to eligible families.

Prospective applicants may either complete the application at the Delaware Opportunities offices or request that one be sent to them for completion and return. Each applicant must be accompanied by proof of the applicant's current address.

The application must be complete and all documents requested must be provided. These include:

1. Head of Household name, address and phone number. Note: the application must be accompanied by proof of the applicant's current address.
2. Dates of birth for all family members.
3. Copies of Social Security Cards for everyone in the household
4. Copies of Driver's License for all licensed drivers in the household
5. Proof of income from all sources: pay stubs, award letters for Social Security

retirement, SSD or SSI, Pension, Workman's Compensation, Unemployment benefits, Budgets for Food Stamps and TANF, verification of child support, alimony

6. Copies of all bank statements (most recent 2 months)
7. Copy of most recent tax return for all household members
8. Two sources of proof of residency other than listed above
9. Copy of utility bill and rent receipt
10. Notarized "Authorization for Release of Information" for all adults (18 or over)
11. Racial and ethnic designation of the head of household
12. Annual gross income for each family member
13. Date application was submitted; and
14. Form HUD 92006, Supplement to Application for Federally Assisted Housing
(Note: While HUD requires that this form be included as a Supplement to the Delaware Opportunities Section 8 Rental Assistance Application, the applicant has the option of providing additional contact information or declining to do so. Regardless of the option chosen, the signed and dated form must be maintained in the applicant's file.)

Upon receipt of a completed application at the offices of Delaware Opportunities, the date and time thereof will be recorded on the application form. Incomplete applications will be returned to the family, together with a statement of what information is necessary to complete the application. Persons submitting applications will not be required to attend an interview; information on the application will be accepted on a "self-certified" basis until the applicant is contacted for a pre-selection final eligibility determination.

Each person submitting an application will receive written acknowledgment of receipt of the application from Delaware Opportunities. As further described below, the acknowledgment will indicate the applicant's tentative eligibility status.

Applicants who have submitted a complete application and have been determined to be preliminarily eligible for Section 8 HCV assistance will be placed on the waiting list until assistance is available. In the acknowledgment letter, Delaware Opportunities will briefly indicate the steps that will follow after the applicant's name has been placed on the waiting list.

Although documents verifying date of birth are requested at the time of submission of the application, lack of such documentation will not result in denial of placement on the waiting list. Such documentation is only required at the time of the final eligibility determination.

Disclosure of Social Security numbers by applicants must conform to HUD regulations and guidance. Accordingly, applicant(s) have up to 180 days to meet HUD's Social Security documentation requirements before being removed from the waiting list.

If an applicant is determined ineligible based on the information provided in the application, Delaware Opportunities will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as a reasonable accommodation.

1.13 Applicant Status While on Waiting List

All applicants who are placed on the waiting list will be informed of their responsibility to report changes in address in writing within 30 days of occurrence. Applicants will also be required to report changes in income, family composition and/or other items potentially affecting applicant eligibility.

Applicants will be notified that, if Delaware Opportunities is unable to contact the family due to its failure to promptly submit a change of address notification, it may result in its name being dropped from the waiting list. Applicants will also be dropped from the waiting list if they fail to respond to written requests for information or action within Delaware Opportunities specified time frames.

Exceptions will be granted for 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 applicants hospitalized for sufficient duration if the failure to respond is/was due to the hospitalization.

1.14 Time of Selection

When funding is available, families will be selected from the waiting list in sequence, subject to income targeting requirements, local preferences, and regulations regarding single persons.

1.15 Income Targeting Requirement

Delaware Opportunities is responsible for ensuring, that, in any given year, 75% of admissions must be families with incomes at or below 30% of are median income.

The targeting year is the calendar year. Delaware Opportunities will look at the previous year's admission activity to determine the overall percentage of families admitted who were at or below 30% of median income.

Delaware Opportunities does not grant waivers of the income targeting policy for which an owner or landlord can apply.

1.16 Selection of Families from the Waiting List

Delaware Opportunities will give preference to families who reside within the jurisdiction where the application is filed before selecting families who do not reside in that jurisdiction. Single family households who are elderly, disabled, handicapped or displaced will also be selected before other single family households.

A local preference will also be applied to families with victims of domestic violence.

Local preferences will be equally rated. Hence a domestic violence victims household would receive two local preference points if the household also currently resided in the jurisdiction where the application was filed.

The qualification for the above listed preferences is based solely on an applicant's status at the time of selection from the waiting list. Delaware Opportunities is prohibited from asking an applicant claiming disability to specify the exact nature of (or state or explain) his/her disability, nor does the applicant have to submit proof of said disability; documentation can only state that the applicant is disabled.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year must be at or below 30% of the area median income, Delaware Opportunities retains the right to skip higher income families on the waiting list to reach extremely low income families. This measure will only be taken if it appears the goal will not otherwise be met.

If there are an insufficient number of extremely low income families on the waiting list, Delaware Opportunities will conduct outreach on a non-discriminatory basis to attract sufficient numbers of extremely low income families in order to reach the statutory requirement.

1.17 First Year Limitation on Where Family Can Lease a Unit at Initial Participation in the Program.

All applicants will be required to utilize the voucher for the first 12 months in the jurisdiction where living at the time of first occupancy under the program.

1.18 Eligibility of Students for Assisted Housing under Section 8

On December 30, 2005 HUD published a final rule implementing a new law pertaining to eligibility of students for Section 8 housing.

HUD Guidance was published in a notice in the April 10, 2006 federal Register and is available at <http://edocket.access.gpo.gov/2006/pdf/06-3365.pdf>.

Under the new law and HUD's rule, a person will not be eligible to separately receive Section 8 assistance who:

- is enrolled as a student at an institution of higher education (a detailed definition of this term is provided in the April 10, 2006 Federal Register notice, pages 18149-18150);
- Is under the age of 24;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is individually ineligible for Section 8 assistance; or
- Has parents who are, individually or jointly ineligible for assistance.

To summarize the Federal Register states: "If a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student's parents are individually or jointly, ineligible for assistance, no Section 8 can be provided to the student. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking Section 8 assistance will be based on both the student and the parents being determined income eligible for Section 8 assistance."

Note: HUD's April 10, 2006 Guidance does not apply to a student residing in a Section 8 assistance unit with his or her parent(s) or who resides with his/her parent(s) who are applying to receive Section 8 assistance.

The rule also provides that in determination of student income, financial assistance in excess of tuition assistance received by the student will be included in annual income for determination of eligibility for Section 8 assistance, unless the student is over the age of 23 with dependent children. Financial assistance does not include loan proceeds for the purpose of determining income.

1.19 Initial Eligibility Certification

At the point of selection from the waiting list, all adult household applicants will be required to participate in an initial eligibility certification interview. Single persons who claim that they are elderly, disabled, handicapped or displaced must have that status verified prior to Delaware Opportunities' scheduling of the initial eligibility certification interview.

Information used to verify an applicant's eligibility at initial certification for the HCV program must be current, that is within 60 days of the issue date of a voucher. Upon verification of the applicants' information, Delaware Opportunities will update the electronic data sheet for each applicant.

After the above process is verified, applicants will be required to participate in a full eligibility certification interview with a Delaware Opportunities representative. The certification and briefing interview afford Delaware Opportunities an opportunity to discuss the family's circumstances in greater detail, to clarify information which as been provided by the family, and to ensure that all required information is accurate and complete. The briefing phase of the interview is used as a vehicle to provide information about the certification and verification process, as well as to advise the family of other services or programs offered by Delaware Opportunities.

At the conclusion of the certification interview, the applicant will sign and certify that all information is complete and accurate.

1.20 Requirement to Attend Interview

All adult family members are required to attend the interview and sign the eligibility certification. Exceptions may be made for students attending school out of state or for members for whom attendance would be a hardship.

The head of household or the head and spouse are required to attend the interview. If the head of household cannot attend the interview, the spouse may attend to complete the certification and certify the family. However, the head of household will be required to attend an interview within three (3) days to review the information and to certify by signature that all of the information is complete and accurate.

If an applicant misses a scheduled appointment, does not contact Delaware Opportunities to reschedule, cannot be contacted by Delaware Opportunities to reschedule or misses two scheduled meetings, Delaware Opportunities will reject the application and the applicant will be removed from the waiting list.

If an applicant is denied assistance due to failure to attend the full certification interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

The head of household and spouse will be required to sign the certification form and/or a supplemental form/worksheet containing the family composition, income, asset and allowance information for the family. As required by Delaware Opportunities, other adult members may also be asked to sign these forms.

All adult members must sign:

- HUD Form 9886 (Release of Information)
- any supplemental forms and/or documents required by Delaware Opportunities;
- declarations and consents related to citizenship/immigration status; and
- a consent form to release criminal conviction records and to allow Delaware Opportunities to receive records and use them in accordance with HUD regulations.

Applicants may also be required to sign specific verification forms for information which is not covered by HUD Form 9886. Failure to do so when required will be cause for denial of the application for Section 8 assistance.

If Delaware Opportunities determines during or after the interview that additional information is needed directly from the applicant, Delaware Opportunities will specify in writing what information is required and what kind of documentation must be provided by the applicant to verify it. The family will be given ten (10) business days to supply requested information. If the information is not supplied in this time period, Delaware Opportunities may deny assistance.

1.21 Portability Moves from Other PHAs

Delaware Opportunities will adhere to HUD's portability requirements for initial and receiving PHAs as set forth in HUD regulations and PIH Notices.

1.22 Income Verification

All income and asset information provided by the applicant will be verified via third-party contact unless repeated attempts to provide such verification fail. If Delaware Opportunities is unable to obtain third-party verification, Delaware Opportunities will specify what other form of verification may be acceptable within the guidelines specified by HUD. When third party verification is unavailable, the file must be documented to leave a clear audit trail. Any documentation requested directly from the applicant must be

provided within the time specified by Delaware Opportunities.

1.22.01 Child Support

Periodic and determinable allowances received as child support payments must be included as annual income. However, child support payments pursuant to court order or private agreement that is nonrecurring or sporadic shall be excluded as income upon proper written verification.

Delaware Opportunities must also obtain third party verification of income derived from child support and/or cash contribution. Request for verification of such incomes must be made directly from the contributor or the enforcement agency (family court or Department of Social Services, etc.)

1.22.02 Pay Stubs as Verification of Income

Original or authentic pay stubs generated by a third party source dated either within the 60-day period preceding the reexamination or Delaware Opportunities requested date can be accepted as verification of income subject to the following:

Delaware Opportunities is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. However, when available, Delaware Opportunities must obtain more than two consecutive pay stubs. Although consecutive pay stubs are required to determine annual income, if one or more pay stubs is/are significantly less than the other(s), Delaware Opportunities must ascertain the reason(s) for the difference and a determination should be made whether to exclude or include such pay stub(s). When this occurs, Delaware Opportunities must document the file to leave a clear audit trail.

1.2203 Asset Verification

Delaware Opportunities is required to include in the calculation of annual income any interest or dividends earned on assets held by the family. Original or authentic documentation (i.e. bank statements, stocks/bonds, real estate, etc.) generated by a third party source within the most recent three (3) months. At its discretion, Delaware Opportunities may obtain statements that are older than 3 months if there is/are suspicion of any irregularities.

When a family has net family assets in excess of \$5000, annual income shall include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

For each new admission, Delaware Opportunities must comply with HUD's EIV income verification requirements, including:

- review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
- print and maintain a copy of the Income Report in the tenant file; and
- resolve any income discrepancy with the family within 60 days of the EIV Income Report.

1.23 Final Determination and Notification of Eligibility

After verification is completed, Delaware Opportunities will make a final determination of eligibility. This decision is based upon information provided by the family, verification activities undertaken by Delaware Opportunities and current eligibility criteria in effect. If the family is determined to be eligible, Delaware Opportunities will confirm eligibility via written notification to the family. If a briefing has not already been conducted by Delaware Opportunities, one will be scheduled to coincide with issuance of the Housing Choice Voucher.

1.23.01 Submitted Documents

When an applicant, participant, owner or representative of an owner submits documents to Delaware Opportunities, Delaware Opportunities must acknowledge receipt of the documents by completing a “Document Receipt Form.” The form must be signed and dated by the staff that receives the documents and a copy of the form must be issued to the person who submitted the documents.

1.24 Document Retention for Applicants and Participants

1.24.01 Applicants

Applicant files and documents must be retained for at least three years after:

- the date an application is closed;
- the applicant has withdrawn from the waiting list; or
- the applicant is determined ineligible.

When an applicant is admitted to the program, the application and associated verification of eligibility documents must be transferred to the participant’s file and must be retained in that file according to the rules for program participant files (see below).

Special rules apply to retention of U.S. Citizenship and Immigration Services (USCIS) documents. These documents must be retained for at least five years.

1.24.02 Participants

Documents for participants must be retained during the term of the assisted tenancy and for at least three years thereafter. However, except for the documents listed below, all other documents may be destroyed after the three-year period.

- Birth certificates or other verification of DOB
- Social security cards
- Initial pre-application
- Initial income eligibility verification
- Initial voucher
- Initial 50058
- Initial HAP contract
- Initial lease and tenancy addendum

Note: USCIS documents must be retained for at least five years.

When a new or additional folder is created for an existing participant, the documents specified above must be transferred to the new folder.

1.24.03 Criminal Records

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are required to be destroyed once the purpose for which they are obtained has been accomplished.

Section 2.0 ISSUING VOUCHERS

After all family information has been verified, eligibility has been determined and the family has been briefed regarding general program rights and obligations, Delaware Opportunities will issue the Housing Choice Voucher (HCV). At this point the family begins its search for a unit.

2.01 Voucher Term

While HUD regulations specify a minimum voucher term of 60 days, Delaware Opportunities has the discretion to modify this term and to grant a family one or more extensions of the initial voucher term.

The initial term of the voucher will be 60 days and must be stated on the voucher. Delaware Opportunities may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 days from the initial date of issuance. If additional extensions are required for reasonable accommodation and/or extenuating circumstances, Delaware Opportunities must follow the guidelines outlined in Section 2.04 below.

The family must make a reasonable effort to locate a unit throughout the initial voucher term and/or any subsequent extensions. If necessary, the family may seek the assistance of Delaware Opportunities. Delaware Opportunities is responsible for informing the family of the requirement to maintain a search record after the first 30 days of the search. If Delaware Opportunities fails to do so, they may not deny the extension of the voucher on the basis that the family did not make a reasonable effort to locate a unit.

2.02 Voucher Expirations

Upon expiration of a Housing Choice Voucher, Delaware Opportunities must inform the applicant or participant in writing that the voucher has expired. The voucher expiration notice must include the following text: "If you or a member of your household is a person with a disability, you may be eligible for an additional extension of the voucher upon request."

If a voucher has expired, has not been extended by Delaware Opportunities or expires after an extension, the family will be denied assistance. As allowed by program regulations, a decision by Delaware Opportunities not to extend a voucher is not subject to an informal hearing. An applicant whose voucher has expired and who is not eligible for any additional extension of the voucher may reapply to the waiting list if the waiting list is open or, if the waiting list is closed, may reapply at such time as the waiting list reopens.

2.03 Suspensions

Suspension or tolling of the time that an applicant spends locating a unit is not permitted.

2.04 Extensions

2.04.01 Reasonable Accommodation Extensions:

If a family needs and requests an extension (beyond the 60 day term noted in Section 2.01 above) as a reasonable accommodation to make the program accessible to and usable by a family member with a disability, it is the responsibility of Delaware Opportunities to evaluate and grant the extension.

2.04.02 Extensions Due to Extenuating Circumstances:

Prior to granting any of the following voucher extensions, Delaware Opportunities must obtain documentation to substantiate the basis for approval.

- (1) Delaware Opportunities must grant a 30-day extension of the voucher, beyond the initial 60 day term, if extenuating circumstances such as hospitalization or a family emergency for an extended period of time affected the family's ability to find a unit. A written request for such extension must be submitted within 30 days of the expiration of the voucher.
- (2) A 30 day extension of the voucher must also be granted under the following circumstances:
 - (a) A family member submits a "Request for Tenancy Approval" prior to the expiration of the voucher. After the submission of the Request for Tenancy Approval, the landlord/owner rescinds the agreement and the voucher term, as noted in Section 2.01 above, has expired; or
 - (b) After the submission of the Request for Tenancy Approval and the completion of the HQS inspection, the landlord/owner refuses to correct the HQS deficiencies and the voucher term, as noted in Section 2.01 above, has expired.
- (3) Any other extensions may be granted at the discretion of Delaware Opportunities upon a documented, reasonable basis.

2.05 Delaware Opportunities Assistance to Voucher Holders

Families who require additional assistance during their search may call Delaware Opportunities to

request assistance. Voucher holders will be notified at their briefing session if Delaware Opportunities maintains and updates a listing of available units and how the updated list may be obtained.

Delaware Opportunities will assist families in negotiations with owners and provide other assistance related to the families' search for housing.

After the first 30 days of the search, the family is required to maintain a search record and report to Delaware Opportunities every 30 days. The search record will be in a form prescribed by Delaware Opportunities.

Section 3.0 SPECIAL ADMISSIONS

Section 3 is reserved for provisions regarding special admissions should such special admissions be established at a later date

Section 4.0 OCCUPANCY POLICIES

4.01 Definition of Groups of Persons That May Qualify as a Family

1. A **participant with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. A family may be a “non-traditional family” as defined in New York State law. Typically, a non-traditional family has a “long-term relationship and characterized by emotional and financial commitment and interdependence.”
 - Children temporarily absent from the home due to placement in foster care are considered participant members.
 - A first unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size, but are not considered participant members for determining income limit.
 - In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, Delaware Opportunities must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program, only one of the parents is allowed to claim the child/children as a dependent.
2. An **elderly family** is:
 - a family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - two or more persons who are at least 62 years of age living together; or
 - one or more persons who are at least 62 years of age living with one or more live-in aides.
3. A **disabled family** is:
 - a participant whose head, spouse, or sole member is a person with disabilities;
 - two or more persons with disabilities living together; or

- one or more persons with disabilities living with one or more live-in aides.
4. A **displaced family** is a family in which each member or sole member has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
 5. A **remaining member of a tenant family** may qualify as a family.
 6. A **single person**, who is not an elderly or displaced person, a person with disabilities or the remaining member of a tenant family, may qualify as a family.

4.02 Family Guests

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household.

If the guest resides in the unit for more than a total of 60 days or 15 consecutive days in a calendar year, the guest(s) will be considered unauthorized household member(s).

4.03 “Room-mates”

An individual, with or without dependent children, who is not a family member may reside in the unit, if approved by Delaware Opportunities and by the landlord, provided that the voucher holder or the voucher holder’s spouse occupies the unit as his/her primary residence. The income of a room-mate is included in the calculation of income for purposes of program qualification and determination of amount of Housing Assistance Payment and Family Share. Such occupancy by a qualifying non-family member is subject to the Subsidy Standards set forth in Section 10.0 of this Plan.

4.04 Definition of When an Applicant Is Considered to Be Continuously Assisted

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.

Section 5.0 ENCOURAGING PARTICIPATION IN AREAS OF NON-CONCENTRATION

Neighborhoods and areas covered by the Village of Walton Section 8 program, are relatively homogenous with no clear or obvious concentrations of minority or low income populations. Nevertheless, it is the policy of Delaware Opportunities to assure that rental assistance is not being utilized solely in areas where any concentration of such populations reside Accordingly, Delaware Opportunities will take the following steps in the administration of the HCV program.

1. Making direct contact with landlords;
2. Providing written information promoting the benefits of owner participation in the Section 8 Housing Choice Voucher Program;
3. Providing historical evidence of overall community benefits derived via deconcentration efforts;
4. Holding formal and/or informal discussions and meetings with landlord groups;
5. Meeting with rental referral companies or agencies; and
6. Meeting with fair housing groups or agencies.

Section 6.0 AFFIRMATIVELY FURTHERING FAIR HOUSING

In the provision of housing services and programs, Delaware Opportunities promotes Fair Housing and Equal Opportunity and carries out its responsibilities pursuant to: Presidential Executive Order #11063 requiring equal opportunity in housing; The Fair Housing Act of 1968 - Title VIII; and The Americans with Disabilities Act (ADA).

It is the policy of Delaware Opportunities to ensure that participating landlords and each of its local program offices fully comply with all Federal, State, and local nondiscrimination laws and the U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, religion, color, national origin, sex, marital status, age, disability, military status or sexual orientation be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any of its housing programs.

Delaware Opportunities actively participates with local landlords in an effort to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for the purpose of expanding housing choice to program participants by encouraging landlords to list their properties in areas of low minority and poverty concentration.

6.01 Assistance to Families Claiming Discrimination

Delaware Opportunities will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at the Delaware Opportunities Housing Office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.

Delaware Opportunities will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. Delaware Opportunities will also assist the participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

Delaware Opportunities will advise families regarding how to file a complaint if they believe they have been discriminated against by an owner. Delaware Opportunities will advise the participant to make a Fair Housing complaint. Delaware Opportunities may also report the owner to HUD (Fair Housing/Equal Opportunity)

6.02 Section 8 Housing Choice Voucher Programs

In addition to the Housing Choice Voucher Program, Delaware Opportunities administers the following programs:

- Family Self-Sufficiency (FSS) Program;

The purpose of FSS is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance life skills needed to become self-reliant. All families who are currently receiving assistance from the Village of Walton are eligible to participate in the FSS program.

6.03 Fair Housing Policies

Delaware Opportunities provides HUD-approved housing counseling services. As FSS families complete their requirements and graduate from the Housing Choice Voucher program, additional openings are made available for other low income families to qualify. The agency implements numerous initiatives to further the purposes of the Fair Housing Act. Strategies to promote fair housing rights and choice include mobility counseling; tenant, staff and owner education; and special initiatives to encourage housing search in areas where there are low concentrations of poverty and minority households.

All Housing Choice Voucher programs, including the Homeownership option, are marketed to all eligible families including persons with disabilities and those with limited English proficiency.

Delaware Opportunities complies with all fair housing requirements of 24 CFR Section 903.7(o) and takes the following steps in addressing fair housing issues for persons with disabilities.

Delaware Opportunities will extend housing search time for people with disabilities when necessary and provide for exceptions to HCV payment standards and utility allowances as needed, including advising disabled families of the availability of these exceptions and the criteria used to evaluate and implement them.

Where requested, the agency will:

- Assist program applicants and participants in gaining access to local supportive services;
- Provide housing search assistance in accordance with Rent Reasonableness requirements.

Delaware Opportunities accepts mailed applications from individuals who are unable to come to the office because of a disability and provides applicants with disabilities a listing of accessible apartments and reasonable accommodations that remove barriers to HCV participation.

Delaware Opportunities policies on Housing Choice Vouchers terms, as outlined in Section 2.01 of the Administrative Plan, allows each applicant adequate time for successful housing searches,

and provides for extensions in response to requests for reasonable accommodation.

The Delaware Opportunities applicant briefing package includes information on the fair housing rights of HCV participants and where a discrimination complaint may be filed, including the office address, telephone number, and TTY number of HUD's Office of Fair Housing and Equal Opportunity. The briefing material also includes the toll free number for the HUD Housing Discrimination Hotline, (800) 669- 9777. This information can also be accessed for the hearing impaired via TTY at (800) 927-9275 and/or by calling the Federal Relay Service FedRelay) at (800) 877- 8339.

Equal Housing Opportunity advertisements and applicable Fair Housing Information and Discrimination Complaint Forms are available at the Delaware Opportunities Housing Office.

6.04 Violence Against Women Act (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005, (VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from HUD Section 8 assistance based on acts of such violence against them.

Delaware Opportunities is required to notify program participants and landlords of their rights and obligations under VAWA. Accordingly, Delaware Opportunities utilizes HUD's revised Housing Assistance Payments Contract (HUD-52641) and Tenancy Addendum (HUD 52641-A) which contain the VAWA provisions; provide all program participants with Form HUD 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* (at the time of admission, termination, or the start of an eviction proceeding); and provide all landlords with information regarding the landlord's rights and responsibilities and the Violence Against Women Act.

In responding to an incident involving domestic violence, dating violence, or stalking that may affect a tenant's participation in the Housing Choice Voucher Program, Delaware Opportunities must request that the individual certifies in writing that he/she is a victim of such violence or stalking.

Certification may be done by completing Form *HUD 50066*. The form requires specific information concerning the name of the perpetrator and the date and location of the incident. The form, must be completed, dated, signed and submitted by the individual within 14 business days of the request from Delaware Opportunities (the time may be extended for reasonable accommodation). The form is available on the HUD website or is available from Delaware Opportunities.

Evidence other than (or in addition to) the HUD certification form may also be accepted by Delaware Opportunities to meet the certification requirement. HUD Notice PIH 2006-42 contains

details regarding other acceptable forms of verification. Delaware Opportunities is not required to demand official documentation or physical proof of the violence. The signed certification or other corroborating evidence is sufficient to trigger the protections available under the Act.

If the individual does not provide the Form HUD 50066 or the information that may be provided in lieu of the certification by the 14th business day, or any extension of that date authorized by Delaware Opportunities, none of the protections afforded under this Act will apply.

Delaware Opportunities shall keep the confidential nature of all VAWA-related documentation and must observe confidentiality requirements set forth in the Notice.

Section 7.0 PROVIDING PARTICIPANT INFORMATION TO PROSPECTIVE OWNERS

Upon request, Delaware Opportunities will provide the owner with:

- the participant's current and prior address as shown in Delaware Opportunities records; and
- the name and address of the participant's current and prior landlord (if known by Delaware Opportunities).

This information is available to any prospective owner upon request.

Section 8.0 DISAPPROVAL OF OWNER

Delaware Opportunities will deny participation by an owner at the direction of HUD. Delaware Opportunities may also deny an owner's participation for any of the following reasons:

1. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
2. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
3. The owner has engaged in drug-related criminal activity or any violent criminal activity;
4. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
5. The owner has a history of overcharging tenants or charging additional rent in excess of the amount stipulated in the lease agreement.
6. The owner has a history or practice of renting units that fail State or local codes;
7. The owner has not paid state or local real estate taxes, fines, or assessments;
8. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, Delaware Opportunities employees or owner employees, or neighboring residents;
9. The owner is the parent, child, grandparent, grandchild, sister, or, brother of any member of the family; unless Delaware Opportunities determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against Delaware Opportunities approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to Delaware Opportunities approval of a new tenancy with continued tenant-based assistance in the same unit.

An example of this exception is: A current participant who is residing in a unit that is subsequently purchased by a relative may continue to receive assistance so long

as they remain in the same unit within the property purchased by the relative.

Note: A family who resides in a unit owned by a relative, and who is subsequently selected from the waiting list and issued a voucher, cannot remain in that unit unless a household member is a person with disabilities who requires this unit as a reasonable accommodation.

10. There exist other conflicts of interest under federal, state, or local law.

Section 9.0 GROUNDS FOR TERMINATING ASSISTANCE

9.01 Terminating for Alcohol Abuse or Criminal Drug Activity

The members of the household may not engage in:

- drug-related criminal activity, or
- violent criminal activity, or
- other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Pursuant to the procedures outlined in Section 14.0, “Informal Hearing Procedures for Participants,” Delaware Opportunities may terminate assistance if either of the following occurs:

- Delaware Opportunities finds that a member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.
- Delaware Opportunities finds that a current household member was convicted or incarcerated for any alcohol-related or drug-related criminal activity that took place on or near the premises.

Delaware Opportunities will permit the participant family to continue receiving assistance, provided that household members determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, Delaware Opportunities will consider individual circumstances with the advice of Juvenile Court officials.

Delaware Opportunities will waive the decision to terminate assistance if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program approved by Delaware Opportunities; or
- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.

9.02 Termination of Assistance to Sex Offenders

Pursuant to the procedures outlined in Section 14.0, “*Informal Hearing Procedures for Participants*”, assistance for participants or members of a participant family in the Village of Walton Section 8 Voucher Program admitted to the Program after June 25, 2001 and who are

subject to a lifetime registration as a sex offender will be terminated in accordance with HUD Notice PIH 2012-28 issued on June 11, 2012.

Assistance will be terminated if the sex offender is subject to a lifetime registration requirement, and it is determined that:

1. the participant was admitted to the program after June 25, 2001, and at the time of admission was subject to such lifetime registration requirement but was erroneously admitted to the program, or;
2. recertification screening reveals a failure to disclose on their application and/or recertification forms that they were subject to a lifetime registration requirement, or;
3. recertification screening reveals they falsified information on the application and/or recertification forms regarding their criminal history.

9.03 Other Reasons for Terminating Assistance

Delaware Opportunities will also terminate assistance to participants who:

1. have a family member who has been convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing;
2. have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity, that would adversely affect the health, safety or well being of other participants or staff, or cause damage to the property;
3. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
4. have a family member who is involved in drug-related criminal activity including but not limited to the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
5. have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. Delaware Opportunities will waive this requirement if:
 - the person demonstrates to Delaware Opportunities satisfaction that the

- person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 - the person has successfully completed a supervised drug or alcohol rehabilitation program;
 - the person has otherwise been rehabilitated successfully; or
 - the person is participating in a supervised drug or alcohol rehabilitation program.
6. have engaged in or threatened abusive or violent behavior towards any LA staff member;

If assistance is to be terminated as outlined in this Section, the termination will be based upon either of the following:

- Preponderance of Evidence - defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.
- Credible Evidence - defined as evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.

Delaware Opportunities may also terminate assistance to participants who do not supply information or documentation that is required for continued program assistance or who fail to comply with any other program obligations.

Section 10.0 SUBSIDY STANDARDS

10.01 Determination of Family Unit (Voucher) Size

Delaware Opportunities will issue a voucher for a specific bedroom size, taking into consideration the family size and family composition, in determining the family's level of assistance. The subsidy standard provides for the smallest number of bedrooms needed without overcrowding and must be applied consistently for all families of like size and composition. The following guidelines will be used to determine each family's unit size:

Zero Bedroom:

- 1 adult

One Bedroom:

- 1 adult
- 2 adults (spouse or cohabitants)

Two Bedrooms:

- 1 adult, 1 child
- 1 adult, 2 children (same sex)
- 1 adult, 2 children (opposite sex, both 5 years or younger)
- 2 adults (spouses or cohabitants), 1 additional adult
- 2 adults (spouses or cohabitants), 1 child
- 2 adults (spouses or cohabitants), 2 children (same sex)
- 2 adults, 2 children (opposite sex, both 5 years or younger)
- 2 adults (spouses or cohabitants), 2 adults (spouses or cohabitants)

Three Bedrooms:

- 1 adult, 2 children (opposite sex)
- 3 adults (not spouses or cohabitants)
- 1 adult, 2 children (same sex), 1 child (either sex)
- 2 adults (not spouses or cohabitants), 2 children (same sex)
- 2 adults (not spouses or cohabitants), 2 children (opposite sex, both 5 years or younger)
- 2 adults (spouses or cohabitants), 2 adults (not spouses or cohabitants)
- 2 adults (spouses or cohabitants), 2 children (same sex), 1 child (either sex)
- 2 adults (spouses or cohabitants), 2 children (same sex) 2 children (same sex)
- 2 adults (spouses or cohabitants), 4 children (all same sex)
- 2 adults (spouses or cohabitants), 4 children (opposite sex, all 5 years or younger)

Four Bedrooms:

- 4 adults (not spouses or cohabitants)
- 2 adults (not spouses or cohabitants), 2 children (opposite sex)
- 1 adult, 2 children (same sex), 2 children (opposite sex)
- 3 adults (not spouses or cohabitants), 2 children (same sex)
- 1 adult, 2 children (same sex), 2 children (same sex), 1 child (either sex)
- 2 adults (spouses or cohabitants), 2 children (same sex), 2 children (opposite sex, 5 years or younger)
- 2 adults (spouses or cohabitants), 2 children (same sex), 2 children (same sex), 1 child (either sex)
- 2 adults (spouses or cohabitants), 2 children (same sex), 2 children (same sex), 1 adult
- 2 adults (spouses or cohabitants), 2 children (same sex), 2 children (same sex), 2 children (same sex)
- 2 adults (spouses or cohabitants), 2 children (opposite sex, 5 years or younger), 2 children (opposite sex, 5 years or younger), 2 children (opposite sex, 5 years or younger)
- 2 adults (spouses or cohabitants), 6 children (opposite sex, **all** 5 years or younger)

Delaware Opportunities does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the voucher. Delaware Opportunities subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. For subsidy standards, an adult is a person 18 years old or older.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The unit size on the voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, Delaware Opportunities assigns one bedroom to two people. Exceptions to this standard are noted below:

- Persons of different generations, persons of the opposite sex (other than spouses and cohabitants), and unrelated adults should be allocated a separate bedroom.

For subsidy standard purposes different generations are defined as *“family members from different eras (i.e., grandparents/parents; parents/children, etc.)”*

- Separate bedrooms should be allocated for adult siblings of the same sex.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children under five years old).

- Foster children will be included in determining unit size only if they will be in the unit for more than one month.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

Adults of different generations will have separate bedrooms.

A single pregnant woman with no other family members must be treated as a two-person family.

These standards are based on the assumption that each bedroom will accommodate no more than two persons. In determining bedroom size, Delaware Opportunities will include the presence of the first child to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, and children who are temporarily away at school or temporarily in foster-care.

Delaware Opportunities may grant exceptions to normal occupancy standards in accordance with the provisions in Section 10.02.

The family unit size will be determined by Delaware Opportunities in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

10.02 Exceptions to Subsidy Standards

Delaware Opportunities may grant exceptions from the subsidy standards if the family requests and Delaware Opportunities determines that the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

Delaware Opportunities will grant an exception upon request as an accommodation for persons with disabilities.

Circumstances may dictate a larger size than subsidy standards permit when persons cannot share a bedroom because of a need such as a verified medical or health reason or elderly persons or persons with disabilities who may require a live-in attendant.

10.03 Requests for Exceptions to Subsidy Standards

The family may request a larger voucher than indicated by the Delaware Opportunities subsidy standards. Such request must be made in writing within 30 days of the Delaware Opportunities determination of voucher size.

The request must explain the need or justification for a larger voucher. Documentation verifying the need or justification will be required as appropriate.

Delaware Opportunities will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage or court-awarded custody. A larger voucher will not be issued due to additions of adult offspring, other adult family members (except by marriage), or room-mates.

Requests based on health-related reasons must be verified by a licensed medical doctor.

10.04 Errors in Subsidy Standards

If Delaware Opportunities commits an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.

10.05 Changes for Applicants

The voucher size is determined prior to the family's briefing by comparing the family composition to the established Delaware Opportunities subsidy standards. If an applicant requires a change in voucher size, based upon established Delaware Opportunities subsidy standards, the guidelines in Section 10.01 will apply.

10.06 Changes for Participants

Upon initial lease-up for any unit, Delaware Opportunities must certify the family and give its approval of the persons who are permitted to reside in the unit as family members. Family members eligible for addition to the household subsequent to the initial lease-up fall into two categories as follows.

Category 1:

Persons added to the participant family by birth or adoption (including minor children previously born to or adopted by the program participant, but not residing in the household at the time of initial lease-up) or by court-awarded custody may be added to the household as a matter of right. The family is required to notify Delaware Opportunities within 30 days of the addition of such person(s) to the household.

Category 2:

Persons other than those in category 1, including adult children of the participant, may not be added to the participant household without prior written notification to the owner and Delaware Opportunities. The guidelines in Sections 10.01 and 10.03 will apply to additions to the household in both categories 1 and 2.

10.07 Under-Housed and Over-Housed Families

If a unit does not meet Housing Quality Standards (HQS) space standards due to an increase in family size (unit too small), Delaware Opportunities will issue a new voucher of the appropriate size.

Delaware Opportunities will also notify the family of the circumstances under which an exception will be granted, such as:

- if a family with a disability is under-housed in an accessible unit;
- if a family requires the additional bedroom because of a health problem, which has been verified by Delaware Opportunities; or
- Delaware Opportunities and family have been unable to locate a unit within 180 days.

10.08 Ineligible Housing

The following types of housing are not assisted under the Village of Walton Section 8 Housing Choice Voucher Program:

- a public housing or Indian housing unit;
- a unit receiving project-based assistance under a Section 8 program;
- nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- college or other school dormitories;
- units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- a unit occupied by its owner (this restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space); or

- a unit receiving any duplicative Federal, State, or local housing subsidy (this does not prohibit renting a unit that has a reduced rent because of a tax credit).

Delaware Opportunities will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; or
- Single room occupancy housing.

Section 11.0 FAMILY ABSENCE FROM THE DWELLING UNIT

The family must supply any information or certification requested by Delaware Opportunities to verify that the family is living in the unit or, if the family is absent from the unit, it must provide any Delaware Opportunities requested information or certification on the purposes of family absences.

The family must cooperate with the Delaware Opportunities for this purpose. The family must promptly notify Delaware Opportunities of its absence from the unit.

Absence means that no adult member of the family has resided in the unit for 30 or more days.

The family must request permission in writing from Delaware Opportunities for absences that will exceed 30 days. Delaware Opportunities will make a determination in writing within five business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

- prolonged hospitalization;
- absences beyond the control of the family (e.g., death in the family, other family member illness); or
- other absences that are deemed necessary by Delaware Opportunities.

11.01 Confinement to Nursing Home or Hospital

If a family member is permanently confined to a hospital or nursing home and there are additional family members (s) remaining in the household, Delaware Opportunities will eliminate the income and medical deduction of the person permanently confined to the nursing home or hospital upon proper notification by the family.

If a reduction in bedroom size and corresponding payment standard is necessary as a result of the family member permanent confinement, the new payment standard will be effective at the next annual reexamination or move to another unit by the family, whichever comes first.

Section 12.0: DETERMINING ASSISTANCE IF A FAMILY BREAKS UP

In those instances where a family assisted under the Section 8 Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the family; the new families cannot agree as to which new family unit should continue to receive the assistance; and there is no determination by a court, Delaware Opportunities will consider the following factors to determine which of the families will continue to be assisted:

- which of the two new family units has custody of dependent children;
- which family member was the head of household when the voucher was initially issued (listed on the initial application);
- the composition of the new family units and which unit includes elderly or disabled members;
- whether domestic violence was involved in the breakup;
- which family members remain in the unit; and
- recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, Delaware Opportunities will terminate assistance on the basis of failure to provide information necessary for a recertification.

12.01 Remaining Member of Tenant Family

To be considered the remaining member of the tenant family, the person must have been previously approved by Delaware Opportunities to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family. A “room-mate,” as defined in Section 4.03 is also not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- the court has to have awarded emancipated minor status to the minor; or
- Delaware Opportunities must have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (or children) for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

Section 13.0 INFORMAL REVIEW PROCEDURES FOR APPLICANTS

13.01 Preference Denials

If Delaware Opportunities denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with Delaware Opportunities staff to discuss the reasons for the denial.

The person who conducts the meeting will be an employee of Delaware Opportunities who is at or above the level of the employee but not the employee who made the decision.

13.02 Informal Review Procedures for Applicants

Delaware Opportunities will give an applicant for participation in the Section 8 Housing Choice Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the decision and will state that the applicant may request an informal review within ten business days of the denial and will describe how to obtain the informal review. An applicant should be given an opportunity to submit a written request to reschedule an informal review. The applicant will be granted only one opportunity to reschedule an informal review. The informal review must be conducted within 30 days from the date of the notice.

13.03 When an Informal Review is Not Required

Delaware Opportunities will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. a determination of family unit size under Delaware Opportunities subsidy standards;
2. Delaware Opportunities determination not to approve an extension or suspension of a voucher term;
3. Delaware Opportunities determination not to grant approval to lease a unit under the program or to approve a proposed lease;
4. Delaware Opportunities determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (HQS), including reasons related to family size or composition;
5. general policy issues or class grievances; or
6. discretionary administrative determinations by Delaware Opportunities.

13.04 Informal Review Process

Delaware Opportunities will give an applicant an opportunity for an informal review of Delaware Opportunities decision denying assistance to the applicant.

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When Delaware Opportunities determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- the reason(s) they have been determined ineligible;
- the procedure for requesting a review if the applicant contests the decision; and
- the deadline or time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, Delaware Opportunities will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

Delaware Opportunities will provide applicants with the opportunity for an informal review of decisions denying:

- listing on the Delaware Opportunities waiting list;
- issuance of a Voucher;
- participation in the program; and
- assistance under portability procedures.

13.05 Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than ten business days from the date of Delaware Opportunities notification of denial of assistance. The informal review will be scheduled within five business days from the date the request is received. The informal review must be conducted within 30 days from the date of the notice of denial.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. Generally, informal reviews will be conducted by the Executive Director and occasionally his or her delegate.

The applicant will be given the option of presenting oral or written objections to the decision. Both Delaware Opportunities and the family may present evidence and witnesses. The family may use an attorney or other representative to assist the family at its own expense. The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fourteen days after the review. It will include the decision of the review officer and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the applicant's file.

13.06 Mitigating Circumstances for Applicants with Disabilities

When applicants are denied placement on the waiting list or Delaware Opportunities is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances are:

- A person with a cognitive disorder may not have understood the requirement to report increases in income.
- A person may not understand the need to make regular repayments on a promissory note.
- Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

13.07 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual searches do not verify the claim, Delaware Opportunities will notify the applicant within ten days of his/her right to appeal to the USCIS within thirty days or to request an informal hearing with Delaware Opportunities, either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, it must give Delaware Opportunities a copy of the appeal and proof of mailing or Delaware Opportunities may proceed to deny assistance. The time period to request an appeal may be extended by Delaware Opportunities for good cause.

13.08 Restrictions on Assistance to Non-Citizens

Assistance to an applicant will not be delayed or denied if:

- on the basis of immigration status of the applicant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;
- Delaware Opportunities has not completed primary and secondary verification of immigration documents submitted by the applicant in a timely manner;
- if the USCIS appeals process under Section 5.514 has not been completed;
- if the ineligible family member has left the household; or
- assistance to the applicant will be prorated;

Assistance to an applicant will be denied if:

- if a declaration of citizenship and eligible immigration status is not submitted by the date specified;
- USCIS primary and secondary verification does not support eligible immigration status of a family member;
- the applicant family does not pursue USCIS appeal or informal hearing rights; or
- USCIS appeal or informal hearing decisions are decided against the applicant or an individual family member.

13.09 Informal Review Regarding Citizenship Status with Delaware Opportunities

The request for a Delaware Opportunities review must be made within 14 days of receipt of the notice offering the review; if an appeal was made to the USCIS, within fourteen days of receipt of that notice. The applicant will be notified that assistance will not be denied until the USCIS appeal process concludes but that assistance may be denied pending Delaware Opportunities informal hearing.

After receipt of a request for an informal review, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members Delaware Opportunities will deny assistance to the applicant. Families denied for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as reviews for terminations for any other type of fraud.

Section 14.0 INFORMAL HEARING PROCEDURES FOR PARTICIPANTS

14.01 Consideration of Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, Delaware Opportunities must consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

Delaware Opportunities may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure to act will not reside in the unit. Delaware Opportunities may permit the other members of a participant family to continue receiving assistance.

If Delaware Opportunities seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that Delaware Opportunities determines and notifies the participant of the decision to deny or terminate assistance. In determining whether to terminate assistance for these reasons Delaware Opportunities will consider evidence of whether the household member:

- has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
- has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
- is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

14.02 When a Hearing is Required

Delaware Opportunities hearing procedures will be provided to families in the briefing packet. Delaware Opportunities will give a participant family an opportunity for an informal hearing to consider whether the following Delaware Opportunities decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and Delaware Opportunities policies:

1. determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
2. determination of the appropriate utility allowance (if any) for tenant-paid utilities

from the Delaware Opportunities utility allowance schedule;

3. determination of the family unit size under the Delaware Opportunities subsidy standards;
4. determination to terminate assistance for a participant family because of the family's action or failure to act; or
5. determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Delaware Opportunities policy and HUD rules.

In cases described in items 4 and 5 above, Delaware Opportunities will provide the opportunity for an informal hearing before Delaware Opportunities terminates housing assistance payments for the family under an outstanding HAP contract.

14.03 When a Hearing is Not Required

Delaware Opportunities will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. discretionary administrative determinations by Delaware Opportunities;
2. general policy issues or class grievances;
3. establishment of the Delaware Opportunities schedule of utility allowances;
4. Delaware Opportunities determination not to approve an extension or suspension of a certificate or voucher term;
5. Delaware Opportunities determination not to approve a unit or lease;
6. Delaware Opportunities determination that an assisted unit is not in compliance with HQS. However, Delaware Opportunities will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family;
7. Delaware Opportunities determination that the unit is not in accordance with HQS because of the family size; or
8. a determination by Delaware Opportunities to exercise or not exercise any right or remedy against the owner under a HAP contract.

14.04 Notice to the Family

In the cases described in items 4 and 5 of Section 14.03 entitled “When a Hearing is Not Required,” Delaware Opportunities will notify the family that the family may ask for an explanation of the basis of the Delaware Opportunities determination, and that, if the family does not agree with the determination, the family may request an informal hearing on the decision. In the following cases described in items 4 and 5 of Section 14.02 entitled “When a Hearing is Required,” Delaware Opportunities will give the participant prompt written notice that the family may request a hearing within ten business days of the notification. The Delaware Opportunities hearing procedures will be provided to families in the briefing packet. The participant should be given the opportunity to submit a written request to reschedule an informal hearing. The participant will be granted only one opportunity to reschedule an informal hearing. The notice will contain a brief statement of the reasons for the decision and state that, if the family does not agree with the decision, the family may request an informal hearing on the decision within ten business days of the notification. The informal hearing must be conducted within 60 days from the date of the notice.

14.05 Hearing Procedures

Delaware Opportunities and participants will adhere to the following policies and procedures:

1. Discovery

- a. The family will be given the opportunity to examine before the hearing any Delaware Opportunities documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family’s expense. If Delaware Opportunities does not make the document(s) available for examination on request of the family, Delaware Opportunities may not rely on the document at the hearing.
- b. Delaware Opportunities will be given the opportunity to examine, at the offices of Delaware Opportunities before the hearing, any family documents that are directly relevant to the hearing. Delaware Opportunities will be allowed to copy any such document at the expense of Delaware Opportunities. If the family does not make the document(s) available for examination on request of Delaware Opportunities, the family may not rely on the document(s) at the hearing.

2. Representation of the Family

At the family’s own expense, a lawyer or other representative may represent the family.

3. Hearing Officer

The hearing will generally be conducted by Delaware Opportunities Executive Director but on occasion may be conducted by the Executive Director's delegate, provided that the delegate may not be the person who made or approved the decision under review or a subordinate of this person;

The person who conducts the hearing will regulate the conduct of the hearing in accordance with Delaware Opportunities hearing procedures.

4. Evidence

Delaware Opportunities and the family must have the opportunity to present evidence and to question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

14.06 Effect of the Decision

Delaware Opportunities is not bound by a hearing decision:

- concerning a matter for which Delaware Opportunities 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 under Delaware Opportunities hearing procedures; or
- contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

If Delaware Opportunities determines that it is not bound by a hearing decision, Delaware Opportunities will notify the family within 14 calendar days of the determination and of the reasons for the determination.

14.07 Mitigating Circumstances for Participants with Disabilities

When Delaware Opportunities is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal hearing process.

Examples of mitigating circumstances are:

- a person with a cognitive disorder may not have understood the requirement to report increases in income;
- a person may not understand the need to make regular repayments on a promissory note; or
- minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

14.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens

Assistance to a participant will not be terminated:

1. on the basis of immigration status if the participant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;
2. if Delaware Opportunities has not completed primary and secondary verification of immigration documents submitted by the participant in a timely manner;
3. if the USCIS appeals process under Section 5.514 has not been completed;
4. if the ineligible family member has left the household;
5. if assistance to the participant will be prorated;
6. if assistance for a mixed family is continued in accordance with Sections 5.514 and 5.518 of program regulations;
7. if Delaware Opportunities has deferred termination of assistance in accordance with Sections 5.516 and 5.518 of program regulations.

Assistance to a participant will be terminated if:

1. a declaration of citizenship and eligible immigration status is not submitted by the date specified;
2. USCIS primary and secondary verification does not support eligible immigration status of a family member;
3. the participant family does not pursue USCIS appeal or informal hearing rights; or

4. USCIS appeal or informal hearing decisions are decided against the participant or an individual family member.

14.09 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, Delaware Opportunities will notify the participant within ten days of his/her right to appeal to the USCIS within 30 days or to request an informal hearing with Delaware Opportunities, either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, it must give Delaware Opportunities a copy of the appeal and proof of mailing or Delaware Opportunities may proceed to deny assistance. The time period to request an appeal may be extended by Delaware Opportunities for good cause.

14.10 Informal Delaware Opportunities Hearing

The request for a Delaware Opportunities hearing must be made within 14 days of receipt of the notice offering opportunity for the hearing or, if an appeal was made to the USCIS, within 14 days of receipt of that notice. The participant will be notified that assistance will not be terminated until the USCIS appeal process concludes.

After receipt of a request for an informal hearing, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible and there are no other eligible family members, Delaware Opportunities will:

- defer termination if the participant family qualifies for deferral; or
- terminate the participant if the family does not qualify for deferral.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

Section 15.0 COMPLAINTS

Delaware Opportunities will investigate and respond to complaints by participant families, owners, employees, and the general public. All complaints will be documented. Delaware Opportunities may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated when the person making the complaint indicates in writing the details of the specific allegations.

Categories of Complaints

- **Complaints from families:** If a participant family disagrees with an action or inaction by a representative of Delaware Opportunities or owner, complaints will be referred to the supervisor of the Delaware Opportunities representative (unless that is the same person to whom the complaint was lodged against). If the complaint is against the Program Supervisor, or if the complaint is not satisfactorily resolved by the Program Supervisor, the complaint will be referred to the Executive Director. If the complaint is not satisfactorily resolved by the Executive Director it will be referred to the Board of Directors of Delaware Opportunities.
- **Complaints from owners:** If an owner disagrees with an action or inaction of Delaware Opportunities or a family, complaints from owners will be referred to the Delaware Opportunities office.
- **Complaints from staff:** If a Delaware Opportunities staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to Delaware Opportunities for resolution.
- **Complaints from the General Public:** Complaints or referrals from persons in the community in regard to the Delaware Opportunities rental assistance program, a family or an owner will first be referred to the Delaware Opportunities Program Supervisor. If a complaint is not resolved, it may be referred to the Delaware Opportunities Executive Director and if not resolved at that level may be referred to the Delaware Opportunities Board of Directors for investigation and ultimate resolution.

Section 16.0 PAYMENT STANDARDS

16.01 Setting the Payment Standard

Delaware Opportunities will establish the payment standards within the allowed “basic range” - 90 percent to 110 percent of the applicable HUD published Fair Market Rent (FMR). Specific payment standards for all bedroom sizes in the jurisdiction are established per the unique market forces at play in each local program area.

16.02 Revising the Payment Standard

Delaware Opportunities will review payment standard levels annually, concurrent with publication of Fair Market Rents. Delaware Opportunities may also request payment standard adjustments at times other than the annual review when circumstances warrant.

Adequacy/appropriateness of existing payment standard levels will consider:

1. The percentage of annual income families pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area; and
6. Success rates of voucher holders in finding units.

If it is determined that existing payment standard levels present an obstacle to achieving favorable success and/or utilization rates, reasonable rent burdens or that families are generally renting low quality units, Delaware Opportunities may, within the basic range, raise the payment standard to a higher level.

Delaware Opportunities, may also reduce a payment standard for a specific bedroom size or all bedroom sizes if analysis shows that a significant percentage of leased units of moderate to high quality have rents that are substantially below the payment standard level.

Before increasing any payment standard, Delaware Opportunities will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

16.03 Reasonable Accommodation

Delaware Opportunities is authorized to grant exception payment standards between 90% and 110% of the Fair Market Rent (FMR) in instances where a higher standard is necessary to provide reasonable accommodation for a family member with disabilities. This policy applies to cases where Delaware Opportunities approves higher payment standards only in cases involving disabilities in conformity with the Americans with Disabilities Act (ADA) and other applicable Federal and State human rights laws.

When Delaware Opportunities plans to increase the payment standard on behalf of a tenant in this category, the following procedures must be implemented:

1. The tenant must submit documentation to Delaware Opportunities verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of the person's disability. Delaware Opportunities must place a memo into the file documenting the amount of the increase and the justification of the use of a higher rent/payment standard.
2. Once Delaware Opportunities has obtained documentation that verifies the tenant's disability, Delaware Opportunities should place a memorandum in the file indicating that the payment standard is to be increased. The memorandum should indicate that Delaware Opportunities has increased the payment standard to the specified percentage, and state the month/date in which the increase will take effect.

Payment standards of 111% to 120% for disabled participants require HUD's approval. When submitting exception payment standard requests in this range, the following procedures must be implemented:

- Submit a written request to the local HUD Field Office for final approval. The submission should include:
 - I. A specific statement that Delaware Opportunities has reviewed and enclosed all pertinent information supporting the request.
 - ii. Documentation verifying that the approved gross rent is reasonable, in relation to unassisted units within and outside of, the building or development in question.

Section 17.0 OWNER RENTS AND RENT REASONABLENESS

17.01 Rent to Owner in the Housing Choice Voucher Program

The allowable rent to owner is limited primarily by rent reasonableness. However, if the proposed gross rent for a unit is above the payment standard, the impact this will have on a family's maximum allowed rent burden also becomes a factor. At the time a family initially receives Housing Choice Voucher (HCV) assistance, whether a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income when the gross rent for the unit exceeds the applicable payment standard for the family.

All owners will be advised that by accepting each monthly housing assistance payment they are certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the same premises. If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere.

17.02 Rent Proration

When initiating voucher assistance, the general standard is to begin assistance on either the 1st or the 15th of the month. However, Delaware Opportunities is authorized to initiate assistance on any day of the month in circumstances when a landlord is unwilling to hold a unit until the 1st or the 15th and the voucher holder would thereby lose access to the unit.

In such cases, assistance for the initial month is to be prorated based on the number of days under HAP contract for that specific month (example, a unit rented on July 13th would be prorated based on 19 days). Prorated assistance is calculated by dividing the 19 days by the number of days in the month (31); in this case, multiplied by the full rent for the month.

To ensure that all leases are for a minimum of 12 months, the lease for the unit would be 12 months plus the additional days in the month being prorated.

17.03 Rent Reasonableness Determinations

Delaware Opportunities will not approve an initial rent or a rent increase in the HCV program without determining that the rent amount is reasonable with respect to rents for comparable unassisted units in the market area.

Reasonableness is determined prior to the initial lease and in the following circumstances:

- Before an increase in rent to owner is approved;
- If 60 days before the contract anniversary date, there is a 5 percent decrease in the published Fair Market Rent (FMR) as compared to the previous FMR; and

- If Delaware Opportunities or HUD directs that reasonableness be redetermined.

Data is collected on assisted and unassisted units from a variety of sources including realtors, advertisements, market reports and other sources to establish a data base from which rent reasonableness can be established.

The following criteria are included in the system database:

- size (number of bedrooms);
- location;
- general quality;
- amenities (bathrooms, dishwasher, air conditioning, etc.);
- services;
- age of unit;
- unit type;
- maintenance; and
- utilities.

17.04 Rent Reasonableness Methodology

The Delaware Opportunities rent reasonableness system is based on unit comparison per the criteria listed above.

Delaware Opportunities currently requires a minimum of three comparable units in order for the unit to pass the rent reasonableness test.

Information on unassisted units is maintained in the automated database and is updated or purged when that data is more than 12 months old.

Section 18.0 SPECIAL HOUSING TYPES

The Delaware Opportunities Housing Choice Voucher Program will only approve one of the following special housing types when it is necessary to provide a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; and
- Single room occupancy housing.

The Delaware Opportunities Section 8 Voucher Program will approve other HUD-permitted housing types including:

- Single family dwellings;
- Apartments;
- Manufactured housing; and
- Manufactured home space rentals.

Section 19.0 PARTICIPANT PAYMENTS FOR AMOUNTS OWED DELAWARE OPPORTUNITIES

A participant is responsible for reporting all changes in income and household composition to Delaware Opportunities within two weeks of the date of such change. If a participant fails to report these changes an overpayment of Housing Assistance Payments (HAP) may occur. The participant is responsible for repaying any amount overpaid on his/her behalf to Delaware Opportunities.

In such cases Delaware Opportunities is responsible for making every effort to recoup any overpayment of HAP, and may only proceed to termination of assistance after considering the seriousness of the case, such as:

- whether or not there was a prior similar violation;
- the participant used false names or social security numbers, or
- falsified, forged or altered documents.

Delaware Opportunities may also consider the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or inaction (see Section 14.01 of this Administrative Plan). The analysis of all these factors must be documented in writing before proceeding to termination for any first time offender.

Participant obligations of this nature may be satisfied by either paying the full amount due immediately upon request of Delaware Opportunities, or through a repayment agreement approved by Delaware Opportunities.

The length of a repayment agreement, as determined by Delaware Opportunities, cannot exceed 36 months. Delaware Opportunities must carefully evaluate each case to determine the terms of the agreement and to assure repayment of the debt within the prescribed time. Each family should be evaluated on a case-by-case basis. The term of the agreement may range from one (1) to thirty-six (36) months depending on the family's income and the amount owed. If the participant is not current on a repayment agreement, the family will not be issued a voucher to move to a new unit. If the family has a repayment agreement in place and incurs an additional debt to Delaware Opportunities, the additional debt must be paid in full within 30 days.

An applicant owing money may apply to the program and remain on the waiting list until his/her time of selection. If it is determined, based on information in HUD's Enterprise Income Verification (EIV) System that an applicant still owes money to a PHA or a Section 8 landlord when he/she is contacted for selection, assistance may be denied subject to resolution of the reported outstanding debt. Refer to HUD's January 28, 2010 EIV Training Webcast: *Refinement*

of Income and Rent Rule, and Form HUD-52675 (Debts Owed to Public Housing Agencies and Terminations) for detailed guidance. The applicant's name will remain on the waiting list in accordance with the aforementioned guidelines.

19.01 Repayment Agreements – General

A participant's obligation of this nature may be satisfied by either paying the full amount due immediately upon Delaware Opportunities request or through a repayment agreement approved by Delaware Opportunities. A repayment agreement between Delaware Opportunities and a participant is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to Delaware Opportunities upon default of the agreement.

The repayment agreement must contain the following provisions:

1. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income, or;
2. A change in income cycle (i.e.; weekly to bi-weekly or bi-monthly, and vice versa).
3. The monthly repayment amount is in addition to the family's regular rent contribution.

Delaware Opportunities will not enter into additional repayment agreements if:

- the participant already has an agreement in force;
- Delaware Opportunities determines that the family has committed additional program fraud during the term of the repayment agreement.

There is no maximum dollar amount for considering whether or not Delaware Opportunities will enter into a repayment agreement.

Although Delaware Opportunities is authorized to enter into a repayment agreement of up to 36 months, the maximum term should not be automatically granted. Each family should be evaluated on a case-by-case basis. The term of the agreement may range from one (1) to thirty-six (36) months depending on the family's income and the amount owed. Repayment options include lump sum payments, monthly installments, or a combination of both.

If a participant refuses to enter into a repayment agreement or defaults on an existing agreement, the participant must be terminated from the program and collection/enforcement actions should be pursued. Any remaining debts owed must be promptly entered into the EIV Debts Owed to PHA Module.

19.02 Repayment Agreements - Fraud Recovery

Delaware Opportunities is required by HUD to report fraud recovery in HUD's Voucher Management System reports. Delaware Opportunities is allowed to keep 50% of the recovered funds resulting from fraud repayments.

It is Delaware Opportunities responsibility to distinguish between what is an error of omission and what is fraud. HUD guidance has indicated that fraud can best be categorized as intentional deception for the purpose of receiving funds that the recipient is not entitled to. This could include, but is not limited to:

- intentional misrepresentation of income, assets and allowances;
- intentional misrepresentation of family composition;
- initiation or participation in bribery;
- falsification, forging or alteration of documents;
- falsification of names or Social Security numbers;
- repeated misreporting of material information.

In order to establish fraud, Delaware Opportunities is responsible for ensuring that the tenant file contains documentation indicating that they were made aware of program requirements and prohibitions, and that they intentionally misstated or withheld material information.

Delaware Opportunities is responsible for determining, on a case-by-case basis, what is intentional misreporting. Delaware Opportunities is entitled to 50% of the full recovery amount only for case of documented fraud. If a family disputes that fraud was committed, Delaware Opportunities must conduct an informal hearing with an independent arbiter.

Once an act of fraud has been determined, Delaware Opportunities will initiate a Repayment Agreement with the family and set up a monthly repayment schedule following the guidelines in Section 19.0 and 19.01 of this Plan.

Delaware Opportunities is responsible for recouping all overpayment of HAP following the guidelines contained in Section 19.0 of this Administrative Plan.

19.03 Late Payments

A payment under a participant repayment agreement will be considered in arrears if payment has not been received by Delaware Opportunities within 5 business days of the due date.

Payment is due by the close of business on the due date. If the due date is on a weekend or holiday, the due date will be at the close of the next business day. If a participant's repayment agreement is in arrears and the participant has not contacted or made arrangements with Delaware Opportunities, Delaware Opportunities will require the participant to pay the balance in full within 30 days. If the participant subsequently fails to pay the full amount due within the 30 days, the participant will be terminated from the program.

If a family requests a move to another unit, and has an existing repayment agreement in place for the payment of an owner claim, the family will not be permitted to move with continued HCV assistance until the family pays the balance in full.

If a family who has an outstanding balance on an existing repayment agreement requests to port to another jurisdiction, the outstanding balance must be paid in full before the family will be permitted to port.

19.04 Minimum Rents

Delaware Opportunities has a minimum rent policy of \$50 for all participants in the HCV Program. Adjustments to rent shares for affected families are to be implemented immediately at the next annual review or interim recertification, whichever comes first.

Refer to Section 21.06 for guidance on the Minimum Rent Hardship Exemption.

Section 20.0 UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

Use of the HUD EIV System is mandatory for PHAs. Delaware Opportunities will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, Delaware Opportunities will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, Delaware Opportunities will use the most accurate and reliable source of income verification.

The data contained and provided by the EIV system will be protected by Delaware Opportunities and should only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

Delaware Opportunities must adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.

Delaware Opportunities must use the EIV system to verify household income on such sources as Social Security, Social Security Disability, SSI, wages and unemployment compensation for each family member. Delaware Opportunities must use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the HUD Public and Indian Housing Information Center (PIC) System database.

20.01 Demonstrating Compliance with Mandatory Use of EIV

In accordance with 24 CFR §5.233(a)(2)(I), Delaware Opportunities must demonstrate compliance with mandated use of EIV by doing the following:

- A. For each new admission:
 - a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;
 - b) print and maintain a copy of the EIV Income Report in the tenant file; and
 - c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- B. For each historical adjustment (action type 14):
 - a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;

- b) print and maintain a copy of the EIV Income Report in the tenant file; and
 - c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- C. For each interim reexamination (action type 3):
 - a) maintain in the tenant file, a copy of the ICN Page when there is no household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.
 - b) maintain in the tenant file, a copy of the EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.
- D. For each annual reexamination where the *tenant does not dispute EIV information, Delaware Opportunities must*:
 - a) maintain the EIV Income Report, current acceptable tenant- provided documentation and, *if necessary* (as determined by Delaware Opportunities), traditional third party verification form(s).
- E. For each annual reexamination where the *tenant disputes EIV information, Delaware Opportunities*
 - a) maintain the EIV Income report, current acceptable tenant- provided documentation, and/or traditional third party verification form(s)
- F. Where the Tenant-reported income is not verifiable through EIV system, the Delaware Opportunities must:
 - a) maintain current tenant-provided documents and, *if necessary*, traditional third party verification form(s).

20.01.01 Debts Owed to PHAs & Termination Module

HUD has established a national data base to serve as a repository for debt and termination information on former program participants. It is now mandatory that each local program designate at least one staff person whose responsibility it is to enter information into this Debt Termination Data Base (DTDB).

The designated staff must obtain prior approval from HUD, before the system will allow them to enter information into the DTDB.

20.01.02 Policy Governing DTDB Entries

The following practices must be adhered to when entering debt/termination information into DTDB:

- 1) Debt/Termination information must not be entered into DTDB until an End Of Participation (EOP) action has been entered in PIC for the former participant.
- 2) Debt/termination information must be entered within 60 days from the EOP date.
- 3) Debt/termination information will be maintained in DTDB only up to a period of 10 years.
- 4) Families who have never, or no longer, warrant being in the data base must be removed following HUD guidelines under *Debts Owed to PHAs and Termination information*.
- 5) Local programs may modify a tenant record only 3 times.
- 6) Debts should not be modified as payments are being made. The debt is to be removed only after being paid in full.

20.01.03 Screening Families Through EIVs' "Former Tenant Search" Module

Procedures governing use of the EIV "Former Tenant Search" module must include the following:

- 1) Prior to admission, local programs should query each adult household member's SSN to determine if a PHA has reported a debt or adverse termination;
- 2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount;
- 3) Adverse Terminations should be denied assistance in accordance with PHA or HUD policy; and
- 4) Families denied assistance due to information in DTDB must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review.

20.01.4 Mandatory Monitoring of EIV Reports

Delaware Opportunities is required to monitor the following EIV reports on a monthly basis:

1. Deceased Tenants Report
2. Identity Verification Report
3. Immigration Report

Delaware Opportunities is required to monitor the following EIV reports on a quarterly basis:

1. Income Discrepancy Report
2. Multiple Subsidy Report
3. New Hires Report

20.02 Income Discrepancy Resolutions

When the EIV income data differs from the participant-provided income data by at least \$200.00 per month, this constitutes a “substantial difference.”

In cases where the EIV income data is NOT substantially different than tenant-reported income, Delaware Opportunities will:

- use participant documents or third party income verification to calculate anticipated annual income if the EIV income is less than current participant-provided documentation; or
- use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.

In cases where EIV income is substantially different than the participant-reported income, Delaware Opportunities must:

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3) (I).
- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when Delaware Opportunities cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.

- Analyze all data and attempt to resolve the income discrepancy.
- Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

Section 20.03 EIV Security Measures

20.03.01 Handling of Discrepancy Reports

Delaware Opportunities must handle EIV discrepancy reports in the following manner:

- If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by Delaware Opportunities with the participant to resolve the dispute. All details of the discrepancy report must be documented and the participant will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to Delaware Opportunities. All participant-provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the participant, Delaware Opportunities will review and make a final decision within ten business days from the date that the information was received from the participant.
- If a situation arises where facts indicate that a participant has not reported or has under-reported income, a repayment agreement will be executed between the participant and Delaware Opportunities. A revision to the current and future participant's share must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with this Section 8 Administrative Plan.

20.03.02 Records Retention

During the term of the assisted tenancy and for three years thereafter, Delaware Opportunities must retain the documents in the participant's file. EIV information must be destroyed three years from the End of Participation (EOP) unless there is pending litigation.

20.03.03 Disposal of Applicant and Participant Records

All EIV documents must be destroyed at the end of the three-year retention period. They should be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants. The preferred method for destroying documents is by shredding.

20.03.04 EIV Security Monitor

Delaware Opportunities must designate someone as the agency's "*EIV Security Monitor*." The agency's EIV Security Monitor will be responsible for ensuring that the minimal EIV security procedures outlined in this document are adhered to. The local EIV security monitor or other designated personnel must give written notification to HUD when:

- a staff member associated with EIV information is no longer employed with the agency, or
- a staff member who previously had access rights to the EIV system no longer has such rights.

20.03.05 Storage of EIV Documents

On an annual basis, the local security monitor or other designated staff must review the list of personnel with accesses to EIV information and make corrections as necessary.

Delaware Opportunities must maintain a lockable container, file cabinet, or room to store EIV documents that are:

- outdated and are destined to be destroyed; or
- printed but not yet placed in the participants' files.

Caution should be taken to prevent the combining of each of the above types of documents. Delaware Opportunities will keep each type in separate folders within the lockable receptacle.

20.03.06 EIV Security Awareness Training

Applicants requesting EIV access must satisfy the required annual EIV Security Awareness Training before they can be approved for EIV access. In order to satisfy this requirement, an applicant must meet the following two conditions:

- a) Applicants must watch the most recent HUD, EIV Security Awareness Training Webcast.
- b) Applicants must confirm that they have watched the above mentioned webcast by signing an EIV Webcast Training Certification form.

Section 21.0 RECERTIFICATIONS

21.01 Interim Recertifications

Families are required to report all changes in income and family composition to Delaware Opportunities within two weeks of the date of such change. Families that report a change in income or family composition will be advised by Delaware Opportunities to forward written documentation. During an interim reexamination only information affected by the changes being reported will be reviewed and verified.

Upon receiving any documentation requested from the family, Delaware Opportunities will process interim recertifications in the following circumstances only:

- Recertifications requested by a participant which result in a decrease in tenant rent;
- Recertifications due to an increase in yearly household income which would result in a monthly increase in participant rent share; or
- Recertifications that are a result of a change in family/household composition and that result in either an increase or decrease in the tenant rent as described above.

In order to add a household member (other than through birth or adoption), including a live-in aide or a room-mate, the family must request that the new member be added to the lease. The new household member must first be approved by the landlord. Before adding the new member to the lease, the individual and participant head of household must undergo a recertification and document the income, assets, background check and all other information normally required of applicants and participants.

The individual to be added to the household must also provide his/her Social Security number (if he/she has one) and must verify his/her citizenship/eligible immigrant status.

The family's revised annual income will be recalculated taking into account the income and circumstances of the new family member.

NOTE: Housing assistance will only be delayed if caused by family action or inaction.

21.02 Effective Date of Changes for Interim Recertifications

Delaware Opportunities will give 30 days notice of any rent increase to the family. If notice of an increase in rent is delayed due to a reason beyond the control of the family, the rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If a participant family has caused the delay, the increase will be effective on the date Delaware Opportunities would have been otherwise able to issue the notice if the family had not caused the delay.

Reductions in participant's rent share will be processed as follows:

- a) If a participant submits required documentation of the decrease in income within 10 business days of the date the change occurred, the change in participant rent share will be effective the first of the month following the date the income change occurred.

In cases where required documentation is submitted within 10 business days of the decrease in income but Delaware Opportunities has already prepared the check run for that month, Delaware Opportunities will retroactively reduce the participant rent share effective the first of the month following the date the income change occurred.

- b) If a participant does not submit required documentation of the decrease in income within 10 business days of the date the change occurred, the change in participant rent share will be effective the first of the month following the date the decrease in income is received by Delaware Opportunities.

21.03 Annual Recertifications

An annual recertification must be completed for each Section 8 family. The recertification must be completed on or prior to the date of the previous year's recertification.

The information used for reexamination must be current (within 120 days) of the effective date of the recertification. The family should be given a minimum of 90 days, but not more than 120 days, written notice prior to the anniversary date of the recertification.

Delaware Opportunities may require the participant(s) to visit the Section 8 office for the purpose of conducting the recertification. However, as a reasonable accommodation, Delaware Opportunities may conduct a home visit for the purpose of completing the annual recertification, if the participant is homebound and/or disabled.

The initial recertification notice must inform the family of the required documents and the deadline (or the date to appear in the Section 8 office for the reexamination) for submitting all required documents and requested information.

If the family fails to respond to the initial/first notice, a second notice must be sent to the family informing them that they have failed to submit the required information for recertification. A second request and a copy of the previously sent notice must be sent to the family.

If the family fails to respond to the second notice a termination notice must be mailed to the family.

21.04 Verification Guidance and Public Assistance Income Calculations

HUD regulations stipulate in 24 CFR Part 5.609 (b) (6) that welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) be included in annual income only to the extent that such payments :

- qualify as assistance under the TANF program as defined in 45 CFR 260.31; and
- are not otherwise excluded from income under 24 CFR 5.609 (c).

If the welfare assistance payments include an amount specifically designated for shelter and utilities, the amount of welfare assistance income to be included as income should consist of:

- the amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities;
- the maximum amount of welfare assistance the agency could in fact allow the family for shelter and utilities; or
- the prorated amount as determined by the Department of Social Services (DSS) for families receiving SSI income.

21.05 Zero Income Families

“Zero-Income circumstances are very unusual and require extra steps to validate. This can be better accomplished in a face-to-face meeting.

Therefore, when a family reports zero income to Delaware Opportunities, Delaware Opportunities must conduct an in-office interim recertification at least every 90 days or at such earlier intervals as may be determined necessary by Delaware Opportunities. The purpose of the interim recertification is to verify the family’s expenses, and to have the family provide an explanation of how their expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income. In addition, the family must complete the HUD *“Zero Income Checklist and Worksheet”* Form on a monthly basis, which can be found in the HUD Public Housing Occupancy Guidebook. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

21.06 Minimum Rent Hardship Exemption

Delaware Opportunities must advise a family who is paying the minimum rent of their right to request an exemption of the minimum rent payment. If the family requests the exemption Delaware Opportunities must suspend the minimum rent and adjust the HAP payment effective on the first of the month following the change in the family’s circumstances. Delaware Opportunities must request documentation to substantiate the hardship, and must promptly determine if the hardship is temporary or long term.

If Delaware Opportunities determines the financial hardship to be temporary (90 days or less), the minimum rent must be suspended for a period of 90 days from the date of the family's request. At the end of the 90 day period, the minimum rent must be reinstated retroactive to the date of suspension. If the amount the family owes as a result of the suspension of the minimum rent exceeds the family's ability to pay in one lump sum, Delaware Opportunities must offer the family a repayment plan.

Financial hardship includes the following circumstances:

- a family has lost eligibility for or is awaiting an eligibility determination for a government assistance program;
- a family would be evicted because it is unable to pay the minimum rent
- the income of the family has decreased because of changed circumstances including loss of employment;
- a death has occurred in the family; or
- other circumstances determined by Delaware Opportunities or HUD.

Delaware Opportunities must conduct an in office interim recertification every 30 days for a family that is receiving a minimum rent hardship exemption. The purpose of the interim recertification is to verify the family's expenses, and to have the family provide an explanation of how their monthly expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income.

In addition, the family must complete the HUD "*Zero Income Checklist and Worksheet*" Form on a monthly basis, which can be found in the HUD Public Housing Occupancy Guidebook. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

Section 22.0 RESTRICTIONS ON MOVES BY A PARTICIPANT FAMILY

During the initial 12 months of assisted occupancy, families will not be allowed to move and keep their housing choice voucher.

Section 23.0 HOUSING QUALITY STANDARDS (HQS) INSPECTION POLICIES

Housing Quality Standards (HQS) are minimum standards for tenant-based programs and are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection **before** the beginning date of the assisted lease and Housing Assistance Payments (HAP) contract. Delaware Opportunities will inspect each unit under contract at least annually.

Delaware Opportunities will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by the Section 8 Management Assessment Program (SEMAP) annually to maintain Delaware Opportunities required standards and to assure consistency in the Delaware Opportunities program.

This section describes Delaware Opportunities procedures for performing HQS and other types of inspections and Delaware Opportunities standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

23.01 Requirements and Guidelines for Inspections

When a Request for Tenancy Approval (RTA) is submitted, the unit being offered must be available for inspection no later than 60 days from the date of RTA submission.

Delaware Opportunities will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if units meet HQS.

Delaware Opportunities must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by mail or by phone. If the owner and/or family can not be at home for the scheduled inspection appointment, the owner or family must make arrangements to enable Delaware Opportunities to enter the unit and complete the inspection.

If the owner or family misses the scheduled inspection and fails to reschedule the inspection, Delaware Opportunities will only schedule one more inspection. If the family misses two inspections, Delaware Opportunities may consider the family to have violated a Family Obligation and may terminate their assistance.

HQS will be the minimum requirement for approving units proposed for Section 8 Housing Choice Voucher (HCV) assistance. Although Delaware Opportunities is **not** required to enforce standards set forth in the New York State Building/Housing Codes and/or the other building/housing codes in any areas within the local Delaware Opportunities jurisdiction, Delaware Opportunities will cooperate, to the greatest extent possible, with local code enforcement officials to obtain uniformity of inspections.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. Delaware Opportunities will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the HQS inspection. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval) to have the utilities turned on. Either the inspector will schedule a reinspection or the owner and tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, Delaware Opportunities will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. Although not required, Delaware Opportunities may conduct a reinspection if deemed necessary by Delaware Opportunities.

Following are the types of inspections Delaware Opportunities will perform:

1. **Initial:** An inspection that must take place to ensure that the unit passes HQS before assistance can begin; this inspection is conducted upon receipt of Request for Tenancy Approval;
2. **Annual:** An inspection to determine that the unit continues to meet HQS; this inspection must be conducted within 12 months of the last annual inspection;
3. **Complaint:** An inspection caused by the authority receiving a complaint from any source regarding the unit by anyone;
4. **Special:** An inspection requested by a third party (i.e., - HUD request);
5. **Emergency:** an inspection that takes place in the event of a perceived emergency; these will take precedence over all other inspections; and
6. **Supervisory:** Quality control inspections on units under lease during any specific Delaware Opportunities fiscal year.

23.02 Initial HQS Inspections

Delaware Opportunities will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days after the family and the owner have submitted a request for approval of tenancy.

The initial inspection will be conducted to:

- determine if the unit and property meet HQS as defined in this Plan;
- document the current condition of the unit to assist in future evaluations whether the condition of the unit exceeds normal wear and tear; and
- document the information to be used for determination of rent reasonableness.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify Delaware Opportunities once repairs are completed.

23.03 Annual HQS Inspections

Delaware Opportunities will conduct HQS inspections within 12 months of the last annual inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a deficiency for which the tenant is responsible.

The owner and/or family must allow Delaware Opportunities to inspect the unit at reasonable times with reasonable notice.

Inspections will be conducted on business days only during normal business hours of Delaware Opportunities. Weekend inspections may be conducted under extenuating circumstances at the discretion of Delaware Opportunities. Delaware Opportunities will provide the family with as much notice possible when scheduling the inspection.

If the owner or family is unable to be present at the inspection, he/she must reschedule the appointment within five business days.

If the family or their designee misses an inspection appointment and does not contact Delaware Opportunities to reschedule the inspection, or if the family misses two scheduled inspection appointments, Delaware Opportunities will consider the family to have violated a family obligation and the family's assistance will be terminated in accordance with the termination procedures in this Plan.

23.04 Verification of HQS Deficiencies

Delaware Opportunities may elect to do a reinspection to comply with 23 CFR 982.404 (a) (3) to verify that all HQS deficiencies have been corrected. A reinspection is not necessary if Delaware Opportunities can obtain verification by other means.

Other than in the case of life threatening deficiencies Delaware Opportunities may accept an owner's and/or family's written certification that the deficiencies have been corrected.

When the deficiencies are the responsibility of the family, the owner or a representative of the owner must also certify that the deficiencies have been corrected.

When the deficiencies are the responsibility of the owner, the family must also certify that the deficiencies have been corrected.

Verification that repairs were completed may be made at the next on-site inspection.

Delaware Opportunities should base the verification process on the severity of corrections to be made and/or Delaware Opportunities experience with the owner and property

23.05 Reinspections

If an on-site reinspection is required and the family and/or owner is not at home for the reinspection appointment, Delaware Opportunities will leave a notice at the unit verifying the inspector's attempt to conduct the inspection.

Delaware Opportunities will schedule a reinspection of the unit. A notice of the reinspection will be provided to the owner and the family. The notice may contain a warning that payments will be abated (in the case of owner's responsibility), or a warning of intent to terminate (in the case of family's responsibility).

23.06 Notification of HQS Failures

When a unit fails HQS inspection, Delaware Opportunities must notify the owner in writing of the amount of time that will be allowed to correct any items noted as fail. The amount of time allowed will be determined by Delaware Opportunities based on the time standards described in Section 23.07.

If the time period allowed to correct the repairs has elapsed and Delaware Opportunities has not granted an extension of time, the family must select another unit for assistance.

23.07 Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See "Emergency Repair Items," Section 23.13.)

For **non-emergency items**, repairs must be made within 30 days.

For **major repairs**, Delaware Opportunities may approve an extension beyond 30 days.

23.08 Rent Increases

Rent increases to an owner must not be approved if the unit fails inspection and deficiencies have

not been corrected.

23.09 Move Out /Vacate Inspections

Delaware Opportunities may, at his/her discretion, conduct a move-out inspection at the request of the tenant and/or landlord. If possible, both the tenant and the landlord should be present for this inspection.

23.10 Special/Complaint Inspections

If at any time the family or owner notifies Delaware Opportunities that the unit does not meet HQS, Delaware Opportunities will conduct an inspection.

Delaware Opportunities will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 120 days of a special inspection and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

23.11 Quality Control Inspections

Quality control inspections will be performed by Delaware Opportunities on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of HQS.

The sampling of files will include recently completed inspections (within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

23.12 Accessibility Modifications to HQS

Modifications or adaptations to a unit due to a disability must meet all applicable HQS.

23.13 Emergency Repair Items

HQS deficiencies of an emergency nature must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector. Deficiencies of an emergency nature include but are not limited to the following:

- lack of security for the unit;
- waterlogged ceiling in imminent danger of falling;

- major plumbing leaks or flooding;
- natural gas leak or fumes;
- electrical problem which could result in shock or fire;
- no heat when outside temperature is below the Fahrenheit degree level consistent with Delaware Opportunities local building codes and temperature inside is below the Fahrenheit degree level consistent with Delaware Opportunities local building codes;
- inoperable smoke detector;
- inoperable carbon monoxide detector;
- utilities not in service;
- no running hot water;
- broken glass where someone could be injured;
- obstacle which prevents tenant's entrance or exit; and
- lack of functioning toilet.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by Delaware Opportunities.

If the emergency repair item(s) are not corrected in the time period required by Delaware Opportunities and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair items are not corrected in the time period required by Delaware Opportunities and it is an HQS breach which is a family obligation, Delaware Opportunities may terminate the assistance to the family.

23.14 Lead Based Paint

Delaware Opportunities is responsible for complying with HUD's Lead Based Paint requirements as outlined in 24 CFR Section 35.

23.14.01 Initial Inspection

HUD regulations require that all stabilization of lead-based paint surfaces be completed before the commencement of assisted occupancy. 24 CFR Section 35.115 (12) permits a reasonable delay in the performance of an evaluation, lead-based paint hazard reduction, or lead-based paint abatement on an exterior painted surface during a period when the weather conditions are unsuitable for conventional construction activities. Delaware Opportunities may offer such a delay at its discretion.

23.14.02 Annual/Periodic Inspection

If a unit fails its annual reinspection due to lead based paint hazards, Delaware Opportunities must advise the owner of his/her responsibility to ensure that the following conditions are adhered to:

- ***Pursuant to 24 CFR Section 35.1345:***
 - (a) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved; and
 - (b) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, unless the exceptions noted in 24 CFR 35.1345 exist.
- ***Pursuant to 24 CFR Section 35.1215:***
 - (a) If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with §35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency; and
 - (b) Delaware Opportunities may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend

beyond 90 days after the date of notification to the owner of the results of the visual assessment

23.15 Smoke and Carbon Monoxide Detectors

Pursuant to Amanda's Law, which modified New York State's Uniform Fire Prevention Building Code effective February 22, 2010, Carbon Monoxide (CO) alarms must be installed in all new and existing one- and two family dwellings, multifamily dwellings, and rentals with a fuel-burning appliance, system or attached garage.

Delaware Opportunities requires that this Code be adhered to for all units receiving Section 8 assistance.

Inoperable smoke and carbon monoxide detectors are a serious health threat and will be treated by Delaware Opportunities as emergency (**24-hour**) fail items. If the smoke and/or carbon monoxide detectors **are** not operating properly, Delaware Opportunities will contact the owner by phone and request the owner to repair or replace the smoke and/or carbon monoxide detector within **24** hours. Delaware Opportunities will reinspect the unit the following day.

If Delaware Opportunities determines that the family has disconnected the smoke and/or carbon monoxide detector (by removing batteries or other means), the family will be required to repair or replace the smoke and/or carbon monoxide detector within 24 hours and Delaware Opportunities will reinspect the unit the following day.

Delaware Opportunities will issue a written warning to any family determined to have purposely disconnected one or both detectors. The warning will state that deliberate disconnection of the unit's smoke or carbon monoxide detector is a health and fire hazard and is considered a violation of HQS.

23.16 Determination of Responsibility

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances; and
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. Normal wear and tear is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations, including vermin infestation even if alleged to have been caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. Delaware Opportunities may terminate the family's assistance on that basis.

The owner or participant may appeal the determination to Delaware Opportunities within five business days of the inspection. If the family is responsible for damages but the owner carries out the repairs, the owner may bill the family for the cost of the repairs.

23.17 Consequences When Owner is Responsible (Non-Emergency Items)

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in the time period specified by Delaware Opportunities, the assistance payment to the owner will be abated.

A Notice of Abatement will be sent to the owner stating that the abatement will be effective from the day after the date of the failed inspection. Delaware Opportunities will determine the deadline for completing deficiencies, depending on the nature of the repair(s) needed.

Delaware Opportunities will determine the time period for which abated units should be inspected, depending on the owner's notification that the work has been completed.

Upon notification that the required work is completed, Delaware Opportunities will advise both owners and tenants of the reinspection date. If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible Delaware Opportunities portion of rent that is abated.

23.18 Reduction of Payments

Delaware Opportunities may grant an extension in lieu of abatement in the following cases:

- The owner has a good history of HQS compliance;
- The failed items are minor in nature;
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services;
- The owner makes a good faith effort to make the repairs;
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds; or
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time to be determined by Delaware Opportunities. At

the end of that time, if the work is not completed or substantially completed, Delaware Opportunities may terminate assistance.

23.19 Termination of Contract

If the owner is responsible for repairs and fails to correct all the deficiencies cited, HAP payments may be abated for a period of up to 180 days. The owner will be sent a HAP Contract Proposed Termination Notice prior to the end of the abatement period. During this period the tenant should pay his/her share of the rent unless directed otherwise by legal counsel. If the tenant chooses to remain in the unit after the HAP contract is terminated, he/she should be advised by Delaware Opportunities to seek legal guidance.

If the unit is uninhabitable, the tenant should be notified. Delaware Opportunities should work with the tenant to determine, based on the specific circumstances, when to issue a new voucher. If repairs are completed before the effective termination date, the termination may be rescinded by Delaware Opportunities if the tenant chooses to remain in the unit.

23.20 Consequences When Family Is Responsible

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, Delaware Opportunities will require the family to make any repairs or corrections within a time period consistent with the owner requirement for completing deficiencies. If the repairs or corrections are not made in this time period, Delaware Opportunities will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by Delaware Opportunities. The owner's rent will not be abated for items which are the family's responsibility. If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

Section 24.0 SECTION 8 HOME OWNERSHIP

24.01 Introduction

Under the Section 8 Home Ownership Voucher Program, Delaware Opportunities provides tenant-based assistance to an eligible family that purchases a dwelling unit to be occupied by the family. All HUD and Delaware Opportunities rules for rental vouchers apply to home ownership vouchers except where superseded in the following sections.

Pursuant to the New Freedom Initiative (Executive Order 13217, dated February 2001), Delaware Opportunities will make every effort to ensure its home ownership policies afford disabled individuals (or families) opportunity to participate fully in community life, and to remove any barriers that may impede a disabled person's opportunity for community placement.

24.02 Permitted Ownership Arrangements

The Home Ownership Program may be utilized in the following types of housing:

- (1) Single-family home
 - (a) New construction with environmental review completed
 - (b) Under construction
 - (c) Existing;
- (2) Manufactured home on a permanent foundation;
- (3) Single dwelling unit in a condominium owned by the family in which one or more family members hold title to the home;
- (4) Homes occupied under a lease-purchase agreement; and
- (5) A cooperative unit in which one or more family members hold membership shares in the cooperative

24.03 Determination of Family Eligibility

Any family to be considered for home ownership assistance must already be an eligible participant in the Housing Choice Voucher (HCV) rental assistance program for at least 12 months. The 12-month minimum may be waived or reduced for a port-in, or to address reasonable accommodation requests. Applicants may not be taken from the wait list. The individual or family must also be in compliance with all stated family obligations, and in good standing with the local program. If applicable, the family must have fully satisfied any repayment agreements.

If the family has been through bankruptcy, Delaware Opportunities sets a three year minimum waiting period from the bankruptcy filing date to participate in the home ownership program. Although, Family Self Sufficiency (FSS) enrollment and/or completion is no longer required, it is highly recommended that Section 8 participants who are candidates for home ownership, but not participants in the FSS program, be referred to comparable family development services to ensure viable and successful home ownership-ready families.

Delaware Opportunities is responsible for all normal Section 8 eligibility determinations and for ensuring that families meet employment and minimum annual income requirements established by Federal program regulations. The minimum family income requirements are as follows:

1. For non-disabled individuals and families, Delaware Opportunities has adopted the federal minimum annual family income from full-time employment (not less than an average of 30 hours per week) at the federal minimum hourly wage X 2000 hours.
2. For elderly or disabled individuals or families, the employment requirement is waived.
 - a. However, the minimum family income for elderly must be from a stable source and equal the same dollar amount as 2000 hours multiplied by the current Federal Minimum Wage. For disabled households, the minimum income must be from a stable source (such as Social Security or pension benefits), with the minimum monthly SSI benefit standard for an individual living alone that conforms to the Social Security Administration guidelines published in January of each year.
 - b. Definition of Disabled Family: A disabled family for purpose of eligibility means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
3. At the commencement of home ownership assistance, the minimum annual family income must be continuous for at least one year prior to application for a home ownership voucher.

Delaware Opportunities will use current minimum wage and current minimum disability incomes for all eligibility decisions.

Delaware Opportunities will also be responsible for determining that families satisfy first-time homeowner requirements established by program regulations, and that they are “credit ready” and have not defaulted on any mortgage used to purchase a home under the home ownership program. A family is not eligible if any family member at the time of default has previously received home ownership assistance and defaulted on a mortgage.

24.04 Home Ownership Counseling

Section 536:8 (y) of the Quality Housing and Work Responsibility Act of 1998 provides that a family must participate in and complete a home ownership and housing counseling program before commencement of Section 8 home ownership assistance. Delaware Opportunities policy requires a minimum of 8 hours of home ownership education and housing counseling prior to home ownership, and a Certificate of Completion for same.

Delaware Opportunities will be responsible for providing pre-assistance and post-purchase counseling including:

- (1) Home maintenance;
- (2) Budgeting and money management;
- (3) Credit counseling;
- (4) How to negotiate the purchase price of a home;
- (5) How to obtain home ownership financing and loan preapprovals (including a description of types of financing that may be available);
- (6) How to find a home (including information about home ownership opportunities, schools, and transportation in Delaware Opportunities jurisdiction);
- (7) Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- (8) Information on fair housing (including fair housing lending and local fair housing enforcement agencies) and information about the Real Estate Settlement Procedures Act (RESPA) (12 U.S.C.2601 *et seq.*); and
- (9) Information on State and Federal truth-in-lending laws and how to identify and avoid loans with oppressive terms and conditions.

Counseling will be provided by Delaware Opportunities Housing Counselors who are HUD-approved housing counselors or are so designated as engaged by a certified housing counseling agency.

Within two years prior to purchasing a home, the individual or family must complete no less than 8 hours of home buyer education classes and housing counseling, and receive a certificate of completion. A copy of the certificate of completion must be submitted to Delaware Opportunities before proceeding to the next step in the home ownership process. A refresher session with a housing counselor will be required for any participant who has a certificate that is more than two

years old.

Under no circumstance will HAP assistance be obligated or released for Section 8 home ownership prior to a client's completion of and receipt of an acceptable certificate of completion of housing counseling/home buyer education classes.

24.05 Home Inspections

Two kinds of physical inspections are required in the home ownership program, in addition to and separate from any lender required inspections, both of which must be completed prior to release of HAP, and preferably before closing. They are:

- (1) an HQS inspection by the Local Administrator; and
- (2) an independent professional home inspection by an inspector used in the private market by home buyers.

The HQS inspection should be completed prior to the independent inspection to avoid unnecessary costs to the family. All major systems must be turned on and functional for the inspection; otherwise the inspection for those systems must be marked "inconclusive" and therefore, the inspection fails. These systems include heat, water, and electric services to be tested. A re-inspection must be scheduled once the systems are functional.

The independent professional inspector must be selected, hired and paid for by the family. A family's Family Self-Sufficiency (FSS) escrow account may be accessed for this purpose, if applicable. Home inspectors must have certification from the American Society of Home Inspectors or a similar national organization.

In instances where a family applies for and is eligible for a U. S. Department of Agriculture Rural Development (USDA-RD) single-family mortgage, the independent professional inspection required by USDA may also be used to satisfy the Section 8 independent professional inspection requirement. However, the person performing the inspection must be qualified to report on property conditions including major building systems and components. Delaware Opportunities may disapprove the home or unit on the basis of either the HQS or the independent inspection report.

The HQS inspection performed by Delaware Opportunities will indicate the current physical condition of the unit and any repairs necessary to ensure that the unit is safe and habitable. The purpose of the independent home inspection is to identify any home defects and to assess the adequacy and life span of the major building components. The home must pass an initial HQS inspection before home ownership voucher assistance can be authorized. Any additional HQS inspections for subsequent years are at the option of Delaware Opportunities..

24.06 Determination of Home Ownership Assistance Levels

HAP will begin only after the unit passes inspection. There are no partial month payments for home ownership. HAP begins the first of the month after the unit passes inspection. If a payment was due the first of the month, but the inspection passed too late in the month to be submitted for payment, a double month payment will be requested for the following month.

Delaware Opportunities will be responsible for determining the amount and distribution of the home ownership assistance to be provided on a family's behalf. If the family has satisfactorily met all Section 8 requirements of the home ownership process and has applied for the mortgage(s), Delaware Opportunities will provide the following information to the lender(s):

- the total gross rent;
- total tenant payment (TTP);
- the Payment Standard in effect at that time;; and
- the estimated housing assistance payment (HAP).

Lenders will be notified that these numbers are subject to change once Delaware Opportunities has the true mortgage, interest, taxes, and insurance payment values.

In determining the monthly home ownership expenses for purposes of calculating the monthly home ownership assistance payment, Delaware Opportunities must consider:

- the (PITI) principal, interest, taxes, insurance; condo/co-op fees;
- principal and interest on debt incurred to finance major repairs;
- replacements or improvements for the home; utilities; and
- an allowance for routine maintenance and major repairs of not less than \$50 (\$25 each) and not more than \$100 (\$50 each).

The allowance for routine maintenance and major repairs will be used as a guideline by the family to establish savings/reserves for maintenance and/or repairs and replacement of major systems or appliances. While maintenance and tracking of this account is not statutory, it is highly recommended. When calculating utilities, use the lesser of the allowance for the bedroom size the family is purchasing or the allowance for the bedroom size the family is eligible for.

Pursuant to program regulations, once home ownership assistance commences for the home or unit, the payment standard will never be less than the payment standard at the time home

ownership payments begin.

The housing assistance payment may be made directly to the lender or the family. However, if any HAP payments are being made directly to the family and the family becomes delinquent in payments, Delaware Opportunities may make future HAP payments directly to the lender. Delaware Opportunities may also make payments directly to the lender at the lender's request. If this change is to be made, the lender must have capacity to accept payment from both the individual and Section 8 for the one mortgage payment. Pursuant to program regulations, Delaware Opportunities will also be responsible for determining if a family is eligible for continued tenant-based assistance if the family wishes to move.

24.07 Mortgage Financing and Down Payments

Delaware Opportunities may not require the use of a specific lender. However, Delaware Opportunities may require certain qualifications of potential lenders, and may establish prohibitions on certain forms of financing and terms. The home the family intends to purchase must be affordable, and Delaware Opportunities may disapprove any proposed financing or re-financing if Delaware Opportunities determines that the debt is unaffordable or the loan terms are oppressive.

Signatures will be obtained on all pertinent documents for all parties on the deed and the mortgage. The voucher holder must be on both.

Mortgage financing affordability will be defined by the following debt-to-income ratios:

- (1) the front-end ratio (housing debt-to-income) should be no higher than 40%; and
- (2) the back-end ratio (all debt-to-income) should not exceed 45%.

This may be waived or modified by Delaware Opportunities.

Delaware Opportunities requires a minimum down payment that equals three percent of the sale price. The family contribution toward the down payment should be at least one percent of the sale price and come from the family's personal resources. An FSS escrow account may be used for this purpose, if applicable. If a family is utilizing a USDA-RD single family mortgage loan product, or similar government mortgage product, the down payment requirements may be changed or waived by Delaware Opportunities.

The mortgage loan financing used for the purchase of the home must meet one of the following criteria:

- provided, insured, or guaranteed by state or federal government;
- complies with secondary mortgage market underwriting requirements;

- complies with generally accepted private sector underwriting standards.

Lease-purchase agreements will be permitted, but only upon written application to Delaware Opportunities. If approved, participant will obtain a mortgage through a qualified financial institution. Examples of types of mortgage financing that will not be permitted are owner financing, interest-only loans, balloon payments, and adjustable rate mortgages.

Refinancing will be considered for positive outcomes (i.e.: lower interest rate, lower payment, capital improvement); however, Delaware Opportunities has the right to deny any request. Cash outs of equity are not allowed. Before refinancing, the home owner must receive authorization from Delaware Opportunities.

24.08 Home Search

The family is responsible for finding an eligible home or unit to purchase. Delaware Opportunities may establish time limits for a family to locate a home to purchase and to close on a home. Delaware Opportunities may not steer or restrict the family to certain sellers or neighborhoods. A family may choose to purchase an eligible dwelling that is owned or substantially controlled by Delaware Opportunities, provided the family signs a written assurance acknowledging that the family is freely selecting the dwelling without pressure or steering. Also, under these circumstances, an independent agency must perform certain administrative functions such as the HQS inspection, review of the independent professional inspection report, review of contracts for sale, review of sales price and any Delaware Opportunities-provided financing

Under regulations, Delaware Opportunities must disapprove the seller if the seller has been debarred or suspended by HUD from participation in any housing program.

24.09 Post-Purchase Activities

Delaware Opportunities will be responsible for establishing such post-purchase monitoring and counseling procedures as may be necessary to ensure that families do not risk mortgage delinquency or default. Ongoing monitoring and counseling should include basic home maintenance guidance and post-purchase budgeting.

The topics to be covered in post-purchase counseling may include but are not limited to:

- home maintenance;
- managing debt after home ownership occurs;
- protecting your assets;
- investing in your future;
- building wealth;
- record keeping;
- energy efficiency;
- home safety and security;

- preventive maintenance;
- basic home repair;
- improvements to increase the home's value;
- working with a contractor;
- landscaping;
- taxes; and
- insurance.

24.10 Portability

Section 8 Housing Choice Voucher (HCV) regulations provide a portability feature after an initial lease up of one year. Families who are determined eligible for the home ownership program and are in good standing with the initial PHA, may port out of the Delaware Opportunities jurisdiction to anywhere in the US for home ownership, as long as the receiving PHA administers a Section 8 home ownership program and is accepting new families into its program. If the receiving PHA does not administer a home ownership program, Delaware Opportunities, through an MOU with the receiving PHA, can continue to administer this home ownership voucher in the new jurisdiction. Delaware Opportunities rule that participants must be a Section 8 participant in their local program area for one year may be waived for port-ins at the discretion of Delaware Opportunities.

Operating within HUD guidelines and available budget authority, Delaware Opportunities intention is to expand home ownership opportunities throughout Delaware County. The location of the unit determines the payment standard to be used for HAP calculations. SS8 Notice 2010-13, dated May 10, 2010, contains guidance on port-ins from PHAs that do not operate a home ownership program.

24.11 Length and Continuation of Assistance

Section 8 assistance will only be provided for the period in which the family resides in the home. The maximum length of time a non-elderly, non-disabled family may receive home ownership assistance is 15 years if the mortgage has a term of at least 20 years. There is a 10 year time limit for home ownership voucher assistance for mortgages less than 20 years. There are no time limits for elderly and disabled families.

A home ownership family may purchase another home with Section 8 assistance provided there is no mortgage loan default and the family is in compliance with the Statement of Homeowner Obligations (HUD Form 52649). However, the maximum 15 year term of assistance for non-elderly, non-disabled families is cumulative between the two purchases.

In some cases, the gross home ownership expenses are less than gross rental expenses, or the family has an increase in income causing a zero HAP calculation. The family will remain at zero HAP, but will stay in active status for up to six months. At the end of the six months the family will be terminated from the program. In cases where the family encounters catastrophic

circumstances after voluntary or involuntary termination, requests for reinstatement to avoid foreclosure or default will be considered on a case-by-case basis. These requests must be submitted for prior Delaware Opportunities approval.

A family may revert to rental from home ownership if they are in good standing with Delaware Opportunities; however, the family must first sell the home. Rental HAP cannot be dispensed as long as the family owns the home and is eligible for and receiving HAP toward their mortgage.

24.12 Home Ownership Option 10 year Asset Exclusion: (*Reference 24CFR 5.603(b) Net Family Assets*)

For the purpose of determining a family's income, the home purchased under the HCV program is exempt from being counted as an asset for the first ten (10) years after the closing date.

Once the family has reached the 10 year anniversary of their closing, the annual income must include either the actual income derived from the net family assets, or a percentage of the value of such assets based on the current passbook savings rate established by HUD.

This income is based on the equity of the home each year. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets. The market value is the price a buyer would pay to a seller for a property in its present condition. The market value can be determined by a sales comparison method or the tax assessor's market value method. However, Delaware Opportunities is required to use the tax assessor's value to determine the market value of the home. In addition, the reasonable costs for converting to cash must also be deducted from the equity. Accordingly, the Net Cash Value must be determined as follows:

1 **Market Value – Loan (Mortgage)=Equity**

- The market value will be obtained by reviewing the local assessment roll or the owner's most recent property tax bill.
- The monthly mortgage statement of the participant will usually contain information pertaining to the loan balance or payoff amount for the loan. Delaware Opportunities should first try to use the payoff amount for the loan. If the only information available is the loan balance, Delaware Opportunities may deduct that amount from the market value

2. **Equity – Expenses to convert to cash= Net Cash Value**

- To calculate the cost to convert the asset to cash, Local Administrators will use HUD's Safe Harbor percentage of 10% of the market value of the home. However, if the home is sold, the actual costs (expense) must be used in the calculation.
- If Net Cash Value is zero or a negative number, no adjustment to net family assets should be made.

24.13 Recapture Provisions and Re-Sales

There are no recapture provisions for the monthly housing choice voucher assistance in the Home Ownership Voucher Program. Upon sale of the home and if still eligible, a family may move and utilize its voucher for either rental assistance or home ownership assistance. If home ownership assistance is chosen, then the term limits remain in effect and the family will be entitled to utilize the remaining term. With regard to the payment standard and sale of the home, voucher rules covering relocation become effective. During this time the payment standard and voucher size will be adjusted to accommodate the family size or composition.

A family may sell its home, move to another jurisdiction, and continue with home ownership assistance if:

- (1) the new jurisdiction is operating a home ownership program and accepting new families;or
- (2) Delaware Opportunities, through an MOU, continues to administer the voucher in the new jurisdiction.

24.14 Defaults

If a family in the Home Ownership Program defaults on any mortgage loan, the family must be terminated from home ownership assistance, and the family will not be permitted to use the home ownership voucher to purchase another house. Delaware Opportunities may justify allowing the family to revert back to rental assistance from this default situation at its discretion.

24.15 Family Obligations

Before commencement of home ownership assistance, the family must sign HUD Form 52649, Statement of Homeowner Obligations.

Note: Prior to closing, the participant will be required to provide proof that the rental unit they are vacating is in good condition (i.e., letter from the landlord).

To continue to receive home ownership assistance, a family must comply with the following family obligations:

- (1) The family must leave their current rental unit in good condition before moving into the home ownership program.
- (2) The family must comply with the terms of any mortgage which secures the debt used to purchase the home, and any refinancing of such debt; under refinancing, no cash-outs are allowed.

- (3) During the time the family is receiving home ownership assistance; the family may not sell, convey or transfer any interest in the home to any entity or person. Further, the family must maintain the home as their principal residence for the period of time the family is receiving the assistance. Subletting or leasing the home is not permitted.
- (4) The family must supply required information regarding income and family composition on an annual basis in order to calculate the appropriate TTP and HAP during the term of home ownership assistance.
- (5) The family must immediately notify Delaware Opportunities if household income decreases and must provide all information necessary to complete an interim recertification.
- (6) The family must provide information on the following: any mortgage or other debt used to purchase the home and any refinancing of such debt; any satisfaction or payment of mortgage debt; any sale or other transfer of any interest in the home; and the family's home ownership expenses. The family will sign an authorization allowing Delaware Opportunities and all lenders holding mortgages to the family's home to disclose to each other, information as it pertains to the mortgage application and other records which each party may require.
- (7) The family must immediately notify Delaware Opportunities if the family becomes delinquent and/or defaults on a mortgage, securing any debt incurred to purchase the home, and must agree to work with Delaware Opportunities housing counselors to work out terms for becoming current, or other acceptable loss mitigation work-out plans.
- (8) At annual recertification, the family must document to the satisfaction of Delaware Opportunities that the family is current on mortgage, insurance, taxes, utility payments, co-operative fees, condominium fees, and/or land-lease payments, if applicable. Monitoring of replacement/reserve accounts is not statutory, but is highly recommended.
- (9) As required by Delaware Opportunities, the family must participate in ongoing post purchase counseling and/or attend other courses related to home ownership.
- (10) The family must promptly notify Delaware Opportunities in writing of the birth, adoption or court-awarded custody of a child, or the presence of a live-in-aide.
- (11) The family must allow Delaware Opportunities to inspect the house at reasonable times and after reasonable notice.
- (12) Loss of employment: If a family loses a full-time job, the minimum family share

will be set at \$50.00 per month. The family must attend post-purchase counseling, and may be required to join an FSS program, if available. Delaware Opportunities will also perform interim recertifications on a monthly basis in order to confirm the family is seeking full time employment.

24.16 Termination

As per CFR 24 982.638, Section 8 Home Ownership Assistance may be denied or terminated based on CFR24 Sections 982.551, 982.552, and 982.633 and for Mortgage Default. See aforementioned documents for complete listing.

1. The family must use the home for their sole residence, have no residents in the home other than reported family members, and must not sublet the whole or any portion of the home.
2. Participants must abide by the HAP contract, the Mortgage Contract, the Statement of Family Obligations.
3. The family must submit any documentation and /or information requested by the Delaware Opportunities in a timely manner. All information must be true and accurate.
4. The family must not default on the mortgage.
5. The family will repay monies owed to Delaware Opportunities as per a repayment agreement.
6. The family must not commit fraud.
7. The family must not be absent from the unit for more than 30 days. See Section 11.0 of the Administrative plan for more info on absence. Total authorized absence will not exceed 180 days.
8. No family member may be involved in any drug related or other criminal activity.

24.17 Family Self-Sufficiency (FSS) and Home Ownership

A Section 8 head of household that is currently participating in an FSS program may, during the term of its FSS contract, pursue home ownership and utilize his/her voucher assistance for home ownership purposes (in conjunction with this or any other local, state or federal home ownership program). If home ownership occurs, the family may use up to 90% of their escrow account funds toward expenses incurred in the purchase, and may also continue after the purchase, to fulfill the remaining term of its FSS contract and continue to accrue escrow, if applicable.

Under these circumstances, the Individual Training and Services Plan (ITSP) must be amended to include attendance at post-purchase counseling. See Section 24.09 for topics that may be covered under post-purchase counseling.

24.18 File Documents for Audit Trail

The following is a list of file documents that should be in each HCV Home Ownership file to maintain a clear audit trail for each Section 8 home owner.

1. Any required authorizations signed by the head of household including prequalification application, releases of information, signed statement of never defaulting on a mortgage under Section 8 Assistance, and any proofs of eligibility (full time employment for a year, minimum required income, disability letter (if disabled))
2. Copy of waivers granted, if applicable (i.e., reasonable accommodation for disabled head of household or family member)
3. Voucher & signed Statement of Family Obligations (signed)(HUD Form 52649)
4. Certificate of Completion of Home Ownership Counseling courses
5. Credit Report(s) or confirmation of Credit Score
6. Worksheet estimating HAP for Home Ownership or notes to file either on separate sheet of paper or on a copy of the 50058.
7. Copy of Mortgage Commitment Letter
8. Copy of executed Contract of Sale (must include Contract Contingency Statement).
9. Signed Statement from seller that he/she is not debarred from participating in any HUD program.
10. Prior to closing: Statement from the landlord confirming that the participant is in good standing and the apartment being vacated is in good condition (at least as good condition as when it was rented barring normal wear and tear, and that the rent is current).
11. HQS Inspection report & Professional inspection report (include work scope and bids on work for rehab/repair if applicable). Note: if using USDA as the mortgage lender, the independent Professional Inspection may be used to satisfy both USDA and HUD requirements for Professional Inspection.

12. HUD 50058 - Family Report - one before home ownership and one after home ownership occurs
13. Copy of Deed (or Cooperative Shares, if applicable)
14. Mortgage document (as proof of competitive interest rate & terms)
15. Copy of HUD-1 Settlement Statement
16. Proof of family contribution toward 3% down payment (1% when applicable) was from their personal resources (if the mortgage product used required down payment)
17. Copy of the completed after purchase Home Ownership Survey
18. Any and all correspondence (letters, emails, faxes) regarding issues with the closing from start to finish.
19. Optional: Photo of Home purchased (digital format preferred) plus (signed) release/permission form to use photo and/or other closing information.

Section 24.18.01 Annual Recertification Documents Required in Home Ownership Files

Proof of:

1. Income and family composition
2. *Home Owners Insurance Policy or declaration page
3. Mortgage is current
4. *Taxes are current (i.e.: school, property, etc.)
5. Utilities are current
6. (If co-op or condo) payment of operating charges, maintenance fees or special assessments are current

NOTE: *If taxes and insurance are escrowed by the lender, the bank's escrow summary report will satisfy these requirements.

24.19 Re-enrollment in the Home Ownership Program

Housing Choice Voucher participants going through the home ownership process have the right at any time during the process to withdraw from the home ownership program without purchasing a home. This decision does not affect the status of the participant's housing choice voucher. If the family has already signed a contract for sale, they may cancel the contract for purchase (subject to

the terms of the contract).

Although there is no limit to the number of times a family may attempt to purchase a home, the participant's Housing Counseling/Homebuyer Education Certificate expires after two years. If the family is not under signed contract for sale at the expiration of the certificate, they will be exited from the home ownership program and there will be a two-year waiting period before the family is eligible to re-enroll.

The Home Ownership Coordinator should conduct a follow-up review to determine the reason(s) for the participant's withdrawal from their program and document the reason(s) in the participant's folder. If a family expresses interest in purchasing again during the two-year waiting period, they should be instructed to re-review their housing counseling/homebuyer education resources in order to reevaluate possible issues that may affect their home ownership readiness at the end of the two-year waiting period.

The two-year waiting period may be waived by the local Home Ownership Coordinator under the following circumstances:

- Delaware Opportunities determines that the participant's decision(s) not to purchase at the time was justified, and
- Delaware Opportunities determines that the participant is currently prepared to purchase and that the waiver will benefit the participant in achieving his/her homeownership goals.

However, the returning participant would be required to enroll as a "new" participant, which would include the repetition and successful completion of all homeownership program requirements and the Housing Counseling/Homebuyer Education certification prior to purchase.

Section 25.0 PROJECT-BASED VOUCHER PROGRAM

This Section is reserved for Project Based Voucher assistance, should this become a part of the Village of Walton Housing Choice Voucher Program.

APPENDIX A . DEFINITION OF TERMS USED IN THIS ADMINISTRATIVE PLAN:

1937 ACT: *United States Housing Act of 1937*

ADMINISTRATIVE FEE: *Fee paid by HUD to the PHA for administration of the program.*

ADMINISTRATIVE PLAN: *The document that describes PHA policies for administration of the tenant-based programs.*

AMERICANS WITH DISABILITIES ACT: *Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).*

ANNUAL INSPECTION: *See Section 23.01*

ANNUAL RECERTIFICATION: *Annual review of the participant's household income to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

APPLICANT or APPLICANT FAMILY: *A family that has applied for admission to a program but is not yet a participant in the program.*

BRIEFING PACKET: *The information packet that families selected to participate in the housing choice voucher program receive during the briefing appointment.*

COMPLAINT INSPECTION: *See Section 23.01*

CONTINUOUSLY ASSISTED: *An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the certificate or voucher program.*

CREDIBLE EVIDENCE: *See Section 9.02.*

CURRENT FEDERAL MINIMUM WAGE: *The federal minimum wage at the time of the inquiry (as indicated by the US Department of Labor).*

DEPENDENT: *A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.*

DIFFERENT GENERATIONS: *Different generations are defined as "family members from different eras (i.e., grandparents/parents; parents/children, etc.)"*

DISABLED FAMILY: *A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or*

one or more persons with disabilities living with one or more live-in aides. (See Section 4.01)

DISPLACED FAMILY: *See Section 4.01.*

DOMESTIC VIOLENCE: *Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.*

DOMICILE/UNIT: *The legal residence of the household head or spouse as determined in accordance with State and local law.*

DRUG-RELATED CRIMINAL ACTIVITY: *The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.*

ELDERLY FAMILY: *A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.*

EMERGENCY INSPECTION: *See Section 23.01*

EXCEPTION PAYMENT STANDARDS: *A PHA may request HUD approval of payment standard amounts higher or lower than the established 40th or 50th percentile FMR for designated parts of the FMR area (the “exception areas”). The exception payment standard amounts may be for all units in the exception areas, or for all units of a given bedroom size in these areas.*

EXTREMELY LOW-INCOME FAMILY: *A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.*

FAIR HOUSING ACT: *Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).*

FAIR MARKET RENT: *The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone).*

FAMILY GUEST: *A guest who resides in the unit for less than 30 days in a calendar year (see Section 4.02, page 4-2)*

FAMILY SELF-SUFFICIENCY PROGRAM: *The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.*

FEDERAL REGISTER: *The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.*

FISCAL YEAR. *The Rental Assistance Program fiscal year commences on October 1 and ends on September 30 of the following year.*

FORM 50058: *The HUD Form 50058 is used by PHAs to collect information on families who participate in Public Housing or Section 8 rental subsidy programs and is used to determine the participant family's continued eligibility for assistance.*

HEAD OF HOUSEHOLD: *The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.*

HEARING OFFICER: *The hearing officer in the Delaware Opportunities program is the Executive Director or his/her designee provided that the hearing officer must be: a staff person who was not responsible for nor involved in the decision leading to th hearing*

HOUSEHOLD: *All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.*

HUD-APPROVED HOUSING COUNSELING AGENCY: *A public or private nonprofit agency that has met the qualifying criteria for administering the HUD Housing Counseling Program.*

INFORMAL HEARING: *Delaware Opportunities will give a participant family an opportunity for an informal hearing to consider whether the following Delaware Opportunities decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and Delaware Opportunities policies. (See Section 14.02).*

INFORMAL MEETING: *If Delaware Opportunities denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with Delaware Opportunities staff to discuss the reasons for the denial (see Section 13.01).*

INFORMAL REVIEW: *Delaware Opportunities will give an applicant an opportunity for an informal review of Delaware Opportunities decision denying assistance to the applicant. Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract.*

INITIAL INSPECTION: *See Section 23.01*

INITIAL PHA: *The term refers to both a PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and a PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.*

INTERIM RECERTIFICATION: *Interim review of the participant's household income (based on extenuating circumstances) to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

JURISDICTION: *The area in which the PHA has authority under State and local law to administer the program.*

LANDLORD: *See OWNER.*

LEGAL DOMICILE: *See Section 1.17*

LIVE-IN AIDE: *A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and well-being of the person(s); is not obligated for the support of the person(s); and would not be living in the unit except to provide the necessary supportive services.*

MOBILITY COUNSELING: *A counseling program to help housing choice voucher recipients to find housing outside of minority and/or poverty concentrated areas.*

NON-RESIDENT: *Refers to an applicant who does not reside in the jurisdiction in which he/she is applying for housing choice voucher rental assistance.*

OVER-HOUSED: *Applicable to families residing in units where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

OWNER: *Any private person or entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.*

PARTICIPANT WITH OR WITHOUT CHILDREN: *See Section 4.01.*

PAYMENT STANDARDS: *The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).*

PORTABILITY: *Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.*

PRE-MERGER CERTIFICATE OR VOUCHER PROGRAMS: *The Section 8 programs that were administered prior to enactment of the Quality Housing and Work Responsibility Act of 1998 (QHWRA).*

PREMISES: *The unit subsidized or, in the case of a multiple dwelling, any area within the property that the housing unit is in.*

PREPONDERANCE OF EVIDENCE: *See Sections 1.09 and 9.02*

PUBLIC HOUSING AGENCY: *Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.*

REASONABLE ACCOMMODATION: *A change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space.*

REASONABLE RENT: *The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider the location, quality, size, unit type, and age of the contract unit; and any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.*

RECEIVING PHA. *A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.*

RENT TO OWNER: *The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.*

ROOMMATE: *An individual, with or without dependent children, who is not a family member and is approved by Delaware Opportunities and by the landlord, provided that the voucher holder or the voucher holder's spouse occupies the unit as his/her primary residence (see Section 4.02)*

SECTION 8 HOMEOWNERSHIP PROGRAM. *Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.*

SINGLE PERSON: *See Section 4.01*

SPECIAL INSPECTION: *See Section 23.01*

SUBSIDY STANDARDS: *Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.*

SUPERVISORY INSPECTION: *See Section 23.01.*

SUSPENSION/TOLLING: *Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval of the tenancy, until the time when the PHA approves or denies the request.*

TOTAL TENANT PAYMENT: *The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected.*

UNDER-HOUSED: *Applicable to families residing in units where the actual number of bedrooms is fewer than the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

UTILITY ALLOWANCE: *The utility allowance for a family shall be the lower of: (1) The utility allowance amount for the family unit size; or (2) The utility allowance amount for the unit size of the unit rented by the family. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.*

VIOLENT CRIMINAL ACTIVITY: *Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.*

VOUCHER: *The voucher document is administered locally by a public housing agency (PHA) that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program. A family that is issued a housing voucher (HUD Form 52646) is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence.*

Rental units must meet minimum standards of health and safety, as defined by HUD and determined by the PHA.

VOUCHER HOLDER: *The person or family to whom the voucher has been issued.*

WAITING LIST: *The Delaware Opportunities program's list of eligible applicants awaiting availability of section 8 rental assistance.*

WEEKEND INSPECTIONS: *Unit/HQS inspections that have been scheduled between Delaware Opportunities program and tenant/participant that occur on a Saturday or Sunday in order to accommodate the participant's or landlord's' schedule or that are determined necessary by the Delaware Opportunities program to observe conditions for quality control purposes*

Appendix B

Jurisdiction and Size of Program

Serving the Geographic Area of the

Village and Town of Walton
Village and Town of Hancock
Town of Tompkins
Village and Town of Franklin
Town of Meredith
Town of Middletown and Villages of Margaretville and Fleischmanns
Town of Roxbury
Town of Bovina
Village of Sidney
Village of Deposit
Town of Kortright
Town of Stamford and Village of Hobart and Stamford
Village and Town of Delhi
Town of Davenport

409 Vouchers

(Up to 40 Vouchers may be Used for Family Self Sufficiency)

Appendix C

Job Descriptions

ADMINISTRATION

EXECUTIVE DIRECTOR

QUALIFICATIONS:

Education: B.S. or M.S. in Business Management, Public Administration or related field plus six years experience in administration; and/or

Experience: Ten years administrative experience in human services.

SKILLS: Able to communicate well both orally and in writing; ability to interpret and implement policies and regulations.

REQUIREMENTS: New York State driver's license; ability to drive standard shift or willingness to learn.

LINE RELATIONSHIP: The Executive Director reports directly to the Board of Directors.

BASIC FUNCTION: Give administrative leadership to all levels of agency activity and provide overall program supervision. Implement policies, procedures and directions of Board of Directors.

SPECIFIC RESPONSIBILITIES:

Monitor existing projects and programs to assure compliance with contractual responsibilities;

Ensure efficient staff organization and function;

Supervise overall personnel direction and administration;

Investigate and develop projects and programs;

Oversee the provision of facilities, property and supplies necessary for the effective performance of Delaware Opportunities;

Report to, advise and provide staff support to the Delaware Opportunities Board of Directors;

Maintain an effective liaison with community organizations and agencies, both public and private;

Investigate and develop sources of financial support to the agency;

Represent Delaware Opportunities and its programs before public groups, the media, special interest groups, etc.;

Encourage community participation in the planning, development, and functional stages of Delaware Opportunities program activity;

Maintain a positive relationship with other CAP agencies, and with regional, state and national organizations and/or all funding sources;

Ensure adequate training programs for all agency personnel;

Represent Delaware Opportunities at meetings or training sessions to study, assist or report on CAP organizations or activity;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		1

Conduct timely evaluations of subordinates;

Establish, oversee, and implement and maintain appropriate fiscal, administrative and management procedures;

Perform various other similar or associated duties as required or directed.

SECTION: JOB DESCRIPTIONS	DATE: 03/05	CHANGE:	PAGE: 2
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ADMINISTRATION

FISCAL OFFICER

QUALIFICATIONS:

Education: B.S. degree in accounting and two years of related experience; and/or

Experience: Six years in accounting, two years in a supervisory position.

REQUIREMENTS: New York State driver's license, ability to drive standard shift.

SKILLS: Ability to read, understand and implement government regulations, rules and procedures.

LINE RELATIONSHIP: The Fiscal Officer reports to the Executive Director.

BASIC FUNCTION: Serve as assistant to the Executive Director in the areas of (1) administrative practice; (2) financial management; (3) property and supply management; and (4) conformity of agency practice to all funding sources.

SPECIFIC RESPONSIBILITIES:

Act as immediate supervisor to bookkeeping staff. Assure that all accounting procedures are accomplished in a timely manner and in accordance with rules and regulations of various funding sources; overall supervision of computer accounting system;

Prepare monthly financial statements and other pertinent information for the Board of Directors;

Prepare for and work closely with auditor in preparing audits in accordance with funding source requirements;

Responsible for budgets, documents, and other financial reports required by all program funding sources;

Responsible for monthly or quarterly vouchers to funding sources;

Prepare quarterly and yearly reports related to payroll such as IRS reports; state reports, unemployment reports, disability reports, etc.;

Responsible for cash receipts and cash disbursements;

Responsible for assisting Executive Director and program managers in budget versus expenditures and other forms of financial management;

Maintain a strong liaison with all funding sources;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		4

ADMINISTRATION

BOOKKEEPER

QUALIFICATIONS:

Education: Associate's degree in accounting, and/or

Experience: Two years in double entry bookkeeping including payroll, accruals, etc.

SKILLS: Understanding of principles of accounting. Data entry, word processing, spreadsheets, calculator.

LINE RELATIONSHIP: The Bookkeeper reports to the Fiscal Officer

BASIC FUNCTION: Perform a variety of duties related to the operation of the fiscal department.

SPECIFIC RESPONSIBILITIES:

Gather, identify and verify accuracy of incoming bills for designated programs;

Match purchase orders to invoices and verify extensions;

Prepare vouchers for payment to vendor;

Ensure bills are approved by responsible personnel;

Function as a computer input operator;

Maintain bookkeeping filing system;

Compile Senior Meals and Family Day Care CACFP daily meal tallies;

Compile in-kind data;

Prepare payroll and related reports;

Complete bank reconciliations;

Act as purchasing agent for the administrative office;

Allocate program costs for shared usage of various expenses;

Gather, identify and compile fiscal information for reporting purposes as requested or directed;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		9

HOUSING AND COMMUNITY DEVELOPMENT

HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR

QUALIFICATIONS:

Education: Bachelor's degree in business administration, accounting, public administration, human services, liberal arts or related field; and/or

Experience: Four years experience in housing field, business administration, public administration, program management, human services, administration or similar area. One year supervisory experience.

SKILLS: Ability to organize information and data. Ability to operate personal computer. Able to read, understand and implement government regulations, rules and procedures.

REQUIREMENTS: NYS driver's license; ability to drive standard shift or willingness to learn.

LINE RELATIONSHIP: The Housing and Community Development Director reports to the Executive Director.

BASIC FUNCTION: Responsible for administration of the HUD Section 8 Housing Choice Vouchers Program, Rural Preservation Program, Housing Rehabilitation and Home Ownership Programs and other housing and community development programs as assigned, pursuant to all federal and state guidelines and contracts.

SPECIFIC RESPONSIBILITIES:

Assume overall operating responsibility for Section 8 Housing Choice Vouchers Program and explain the program to landlords, banks, tenants, and other interested persons;

Monitor expenditures for Housing Assistance Payments and Unit Months leased to assure the maximum utilization of assistance available, within the established budget.

Prepare applications for additional Section 8 units;

Assure that correct payments are made in a timely fashion to tenants and landlords;

Prepare form 1099 for each landlord under the Section 8 program and each contractor under local municipal CDBG programs at the close of each calendar year;

Maintain up-to-date knowledge of any changes in program regulations and notify administration office of significant changes;

Oversee the provision of housing and energy conservation counseling to interested parties;

Work with local communities in developing and administering Community Development Block Grant applications, particularly for the purposes of housing rehabilitation;

Work with local communities in targeting housing most in need of rehabilitation or other housing needs for the development and implement of Community Development Block Grant applications;

Advocate for safe, decent and sanitary housing for low-income residents, women, minorities, veterans, and disabled people;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		50

Mobilize community resources to enhance the achievement of program goals;

Maintain a current knowledge of funding opportunities appropriate to housing and community development programs;

Assist in program design and planning activities to develop new housing and community development projects;

Serve as advisor to the Executive Director regarding assigned programs;

Monitor day-to-day accomplishments of program personnel, conduct regular and periodic sampling checks of all activities assigned to assure performance of subordinates;

Coordinate with other related efforts of Delaware Opportunities;

Assure compliance with all applicable guidelines, rules, regulations, and procedures in the implementation of housing program assigned;

Act as a liaison with the media and general community, providing current information on program progress or changes in the program;

Schedule program activities to assure that all programmatic requirements are met in a timely fashion;

Conduct outreach, assure maintenance of waiting lists, obtain full occupancy to the extent feasible;

Devise and implement client tracking and program progress reporting procedures;

Perform day-to-day activities to supplement any activity assigned to subordinates when such assistance is required;

Prepare all regular and special reports and submit same in a timely fashion to funding sources, the Executive Director, the Delaware Opportunities Board of Directors and local governments contracting with Delaware Opportunities Inc. for the operation of the program;

Assure that accurate, complete and up-to-date files are maintained on all program participants;

Assure that program vehicles and equipment are properly maintained and accounted for;

Develop plans to use all available community resources in the operation of the program;

Work with the Fiscal Officer in the development of program budgets, monitor expenses versus budget and devise corrective action plans as required;

Act as an advocate for and promote a positive image for the programs and for Delaware Opportunities Inc.;

Screen, interview, recommend hiring, train and supervise all assigned staff;

Maintain an effective knowledge of local programs and resources which potentially benefit program participants;

Maintain an effective liaison with local organizations and funding sources;

Work with Executive Director in the development of applications for New York State administered housing and community development related programs;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		51

Administer housing rehabilitation and home ownership programs to assure appropriate determination of eligibility, identification of scope of work, contracting for work, and supervision of work;

Process requests for payment for housing rehabilitation work which has been completed and assure payment to contractors;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		52

HOUSING AND COMMUNITY DEVELOPMENT

RURAL PRESERVATION PROGRAM COORDINATOR

QUALIFICATIONS:

Education: Bachelor's degree in sociology, psychology, business, or related field; and/or

Experience: Four years experience in counseling or financial assistance; minimum of one year's supervisory experience

REQUIREMENTS: New York State driver's license.

SKILLS: Ability to read, understand and explain rules and regulations; ability to relate well to people of varying socioeconomic backgrounds; mathematical ability; public speaking ability; writing ability.

LINE RELATIONSHIP: The Rural Preservation Coordinator reports to the Housing and Community Development Director

BASIC FUNCTION: Responsible for management of the Rural Preservation Program work program, Delaware County Local Administrator Rental Assistance Program, home ownership counseling and first time home buyers and other assigned programs.

SPECIFIC RESPONSIBILITIES

Maintain up to date knowledge of Section 8 program regulations including special provisions for the Family Self Sufficiency Program and changes relating to these programs;

Maintain thorough knowledge of FSS Action Plan and assure that activities are conducted in accordance with approved plan;

Manage day to day operation of all Delaware County Administrator Rental Assistance Program activities including Family Self Sufficiency program activities and supervision of staff associated with these functions;

Plan and implement program outreach to achieve full utilization of all housing programs including Section 8, home ownership and family self sufficiency programs;

Under the direction of the Executive Director and Housing and Community Development Director, plan and implement activities to gather information and documentation need to support funding applications including distribution of workload among staff;

Assist in preparing narratives, completing environmental reviews including historic preservation submissions for grant applications to assure timely submission of complete applications;

Make presentations to public bodies regarding grant programs and/or activities conducted on behalf of these bodies;

Provide press releases and promotional materials, consistent with Delaware Opportunities policies and procedures to promote the image of Delaware Opportunities and participation in housing programs;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	53

Manage client intake and application assistance for CDBG, HOME, Restore, Rental Assistance and other housing and community development programs;

Manage bidding for jobs in compliance with all agency and funding source guidelines, assist in preparation of contract documents, monitor progress to assure that commitments to funding sources are met in a timely manner;

Schedule inspections by community development specialists to assure that jobs are completed in a timely manner and in compliance with program regulations and building codes;

Maintain an up to date data base of jobs underway and jobs completed;

Maintain all files consistent with program requirements;

Prepare and submit reports to the Housing and Community Development Director, the Executive Director, municipalities, and all funding sources as required or directed;

Conduct certified housing counseling classes as required by lenders for prospective home buyers, households in need of refinancing, or reverse mortgages;

Provide individual counseling to home buyers, reverse mortgagees, or refinancing households covering such topics as financing, property standards, energy conservation, household budgeting, and other germane topics;

Maintain active working knowledge of all financial assistance programs beneficial to low to moderate income borrowers and assist in packaging government and private financing loan applications;

Advocate with financial institutions to increase lending to low and moderate income households under the provisions of the Community Reinvestment Act;

Provide supervision and direction to Family Self Sufficiency Counselor;

Perform housing quality inspections when required;

Maintain current certification as lead sampling technician; take lead swipe samples as required;

Act as liaison with local financial institutions, rural development and others involved in financing home ownership to encourage referrals of households in need of housing counseling;

Assure that home ownership and tenant counseling goals established in the Rural Preservation Program are met on an annual basis;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	54

HOUSING AND COMMUNITY DEVELOPMENT

FAMILY SELF SUFFICIENCY COUNSELOR

QUALIFICATIONS:

- Education: AAS degree in liberal arts, business or related field or Family Development Credential, and/or
- Experience: Two years experience in counseling or financial assistance and willingness to obtain Family Development Credential within one year.

REQUIREMENTS: New York State driver's license.

SKILLS: Ability to relate well to people of varying socio-economic backgrounds; ability to understand and communicate rules, regulations and procedures.

LINE RELATIONSHIP: The Family Self Sufficiency Counselor reports to the Housing Assistance Supervisor.

BASIC FUNCTION: Perform day to day operations related to the rental assistance programs and provide for implementation of the Family Self Sufficiency Program.

SPECIFIC RESPONSIBILITIES:

Maintain an up to date knowledge of housing choice voucher program regulations including special provisions for the Family Self Sufficiency Program;

Determine client eligibility for housing assistance programs and calculate client and HUD rental portions and establish escrow accounts where appropriate;

Conduct tenant briefings for assigned programs and assure that tenants and landlords receive all information required by funding sources;

Assist participants in establishing family self sufficiency goal plans; provide information, referral and support to clients to assist them in reaching goals; review and adjust plans as appropriate;

Perform housing quality inspections;

Inform landlords and tenants of results of housing quality inspections;

Obtain rent reasonableness information;

Assist in general office operations of the Housing and Community Development division;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	55

HOUSING AND COMMUNITY DEVELOPMENT

FAMILY SELF SUFFICIENCY COUNSELOR/HOUSING ASSISTANT

QUALIFICATIONS:

Education: Bachelor'S degree in sociology, psychology, business, or related field and/or

Experience: Four years experience in counseling or financial assistance.

REQUIREMENTS: New York State driver's license.

SKILLS: Ability to relate well to people of varying socio-economic backgrounds; ability to read, understand and communicate rules, regulations and procedures, and mathematical abilities.

LINE RELATIONSHIP: The Family Self Sufficiency Counselor/Housing Assistant reports to the Rural Preservation Program Coordinator.

BASIC FUNCTION: Responsible for successful implementation of the Delaware County Local Administrator Rental Assistance Program, including the Family Self Sufficiency Program and assisting with other housing related programs.

SPECIFIC RESPONSIBILITIES:

Maintain up to date knowledge of Section 8 program regulations including special provisions for the Family Self Sufficiency Program;

Conduct program outreach to achieve full utilization of the Delaware County Local Administrator Rental Assistance Program and its Family Self Sufficiency component;

Review client applications and documentation and determine eligibility for housing programs, calculate client and HUD rental portions, establish escrow accounts as appropriate;

Conduct tenant briefings for assigned programs and assure that tenants and landlords receive all information required by funding sources, as contained in the tenant/landlord package;

Assist those participating in the Family Self Sufficiency program establish goal plans; provide information, referral and support to clients to assist them in reaching goals; review and adjust plans as appropriate;

Assist all eligible households in developing household budgets to determine ability of household to obtain or retain housing and plan for future home ownership;

Maintain current certification as lead sampling technician; take lead swipe samples as required;

Inform landlords and tenants of housing inspection results and required improvements;

Assist in execution of leases and act as mediator for landlords and tenants;

Assure that monthly checks are processed and distributed in a timely manner

Maintain client tracking information to determine the status of any client at any point in time and to assure the timely completion of required activities;

Maintain all computer entries and assure timely transmittal of computer records to the New York

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	56

State Division of Housing and Community Renewal for maintenance of this program;

Maintain all other files, both paper and electronic as required by Delaware Opportunities or the funding source;

Conduct housing quality inspections;

Assist in organizing and prioritizing activities in the preparation of housing and community development program grant applications, including data collection, inspections, work write ups and narratives;

Conduct outreach activities to publicize housing rehabilitation programs; explain program guidelines to potential applicants and provide application assistance;

Assist in preparation of reports to Executive Director, Housing and Community Development Director and funding sources on the progress toward monthly and annual goals and objectives as required or directed.;

Review client intakes and applications; determine eligibility for housing rehabilitation programs and monitor progress of each project;

Assist in preparation of environmental review materials for each project as required by funding sources;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	57

HOUSING AND COMMUNITY DEVELOPMENT

HOUSING ASSISTANCE SUPERVISOR

QUALIFICATIONS:

Education: Associates degree in accounting, bookkeeping, or human service and/or high school diploma and

Experience: 2 years experience in government housing programs including intake and eligibility procedures, data entry experience.

SKILLS: Mathematical aptitude; organizational and data entry skills; ability to read, interpret, understand and implement regulations, good communication skills, personal initiative.

REQUIREMENTS: New York State driver's license, ability to drive standard shift or willingness to learn.

LINE RELATIONSHIP: The Housing Assistance Supervisor reports to the Housing and Community Development Director.

BASIC FUNCTION: Supervise day to day operation of Section 8 certificate and voucher programs including client eligibility, landlord payments, lease management, housing quality inspections; assure program compliance with all federal and state regulations and achieve full program utilization within the established budget.

SPECIFIC RESPONSIBILITIES:

Maintain up to date knowledge of Section 8 Housing Choice Program regulations;

Review client applications and documentation;

Calculate client and HUD rental portions for new and recertifying clients as well as interim changes for all tenants;

Assure that all required documents are accurate, complete, signed and dated by all parties (owners, tenants, appropriate Delaware Opportunities staff);

Maintain complete and up to date files;

Enter data from manual files in computer to maintain accurate records of payments made on behalf of clients. Prepare reports and 1099's as required by state, federal and Delaware Opportunities' requirements and procedures. Prepare, analyze, compare and adjust as necessary to assure accurate, up to date data;

Submit Form 50058 via electronic transfer accurately and in a timely manner. Assure that submitted data is consistent with agency records;

Process monthly check writing and review revenue and expenditure reports against Housing Office records to assure accuracy. Assure timely transmittal of records to main office of

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	3/08	B	58

Maintain client tracking information to determine the status of any client at any point in time and to assure the timely completion of required activities including weekly updating of waiting lists;

Review newly issued vouchers as well as recertifications to assure accuracy and compliance with HUD regulations and administrative plan; track voucher issue and expiration dates as required by HUD on HAPPY computer system; maintain records of all vouchers issued;

Maintain liaison with other agencies to assure correct verification of income, receive budgets and documentation on those vouchers that become portable;

Prepare and maintain repayment agreements including the calculation of repayment amounts, collection of payments and submission of documentation to the fiscal department on a monthly basis;

Complete monthly and statistical reports on rental assistance programs, including units inspected as required by Delaware Opportunities and HUD;

Supervise Housing Quality Specialist to assure that all HUD requirements for inspections, tenant briefings and other duties are completed in a timely manner and in accordance with HUD regulations; conduct supervisory inspections of at least five percent of units under each contract;

When necessary, conduct tenant briefings including HUD required information to ensure that each family understands their rights, including equal opportunity, fair housing and rights under the Federal Privacy Act, as well as their responsibilities under the Section 8 program; collect tenant application information;

Maintain basic knowledge of Delaware Opportunities program services and other community services; make appropriate referrals for participants' housing and other needs;

Provide information and assistance to owners regarding their participation, rights and responsibilities under the Section 8 program;

Investigate complaints of program abuse and document findings in the file and report to the Housing and Community Development Director; issue termination letters and follow-up documentation;

Monitor housing quality inspection scheduling to assure efficient use of staff time and timely completion of required inspections;

Assure complete utilization of program; maintain maximum number of units within the budget;

Assist in preparation of press releases according to Delaware Opportunities policies and procedures outlining locations where vacancies exist or to increase waiting lists;

Conduct outreach to publicize Section 8 and other Delaware Opportunities housing programs as required or directed;

Maintain in-depth knowledge of all computer systems; act as liaison with technical assistance when problems arise;

Maintain MTCS information necessary for SEMAP; submit MTCS on a monthly basis and complete corrections in a timely manner;

Act as Housing Office liaison with DSS and Mental Health regarding shared clients;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		59

Maintain current lead paint sampling certification and perform lead wipe samples as necessary;
Perform other similar or associated duties as required or directed.

SECTION: JOB DESCRIPTIONS	DATE: 03/05	CHANGE:	PAGE: 60
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HOUSING AND COMMUNITY DEVELOPMENT

HOUSING QUALITY SPECIALIST I

QUALIFICATIONS:

Education: High school diploma; and/or

Experience: Two years secretarial experience, experience in human services or housing fields.

SKILLS: Secretarial skills, including the ability to type, file and operate office machinery. Ability to learn, interpret and apply regulations. Good organizational and communication skills.

REQUIREMENTS: New York State driver's license, ability to drive standard shift or willingness to learn.

LINE RELATIONSHIP: The Housing Quality Specialist I reports directly to the Housing Assistance Supervisor.

BASIC FUNCTION: Performs client intake and housing quality inspection functions.

SPECIFIC RESPONSIBILITIES:

Open and distribute incoming mail and take care of outgoing mail, including sorting, stamping and stuffing monthly rental assistance checks;

Answer and distribute income telephone calls;

Act as a receptionist and greet visitors to the Housing Office;

Maintain up to date knowledge of Section 8 program regulations;

Obtain all information and documentation for completion of initial applications or recertifications including verification of income and family composition in accordance with the federal preference regulations and administrative plan;

Make referrals to other services to meet client needs;

Maintain and utilize accurate waiting lists using computer system in accordance with federal preference regulations and Delaware Opportunities Housing Office procedures;

Maintain accurate and complete files and records for all current program participants as well as maintaining inactive files for seven years; dispose of files after seven years;

Conduct tenant briefings to provide program information regarding eligibility, tenant/owner responsibilities, method of program operation, equal opportunity, fair housing and Federal Privacy Act rights; assure that clients and landlords receive tenant/landlord packages containing all information required by HUD;

Ensure that each family understands how to determine utility and service allowances for a given unit, how to complete their own inspection and their responsibilities;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		61

Conduct housing quality inspections as required for Section 8 rental assistance;

Obtain and maintain current lead sampling technician certification. Conduct lead sampling as required or directed;

Inform landlords, tenants and other program staff of housing inspection results and required improvements;

Prepare and mail all recertification notices;

Maintain accurate and up-to-date data base in computer of payments made on behalf of clients to be used in preparing reports, budgets, and 1099s as required by state and federal mandates;

Provide Housing and Community Development Director with accurate monthly statistical reports, including inspections completed, units under contract by program and unit size;

Assist in publicity and outreach efforts including preparation of press releases, preparation and distribution of posters and flyers to publicize the availability of assistance or to increase waiting lists;

Assist in preparation of CDBG applications on behalf of communities in Delaware County; conduct windshield door-to-door and other surveys to document eligibility and need;

Take photographs of properties for inclusion in applications; assist in compiling all documents necessary for timely completion of CDBG applications;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		62

HOUSING AND COMMUNITY DEVELOPMENT

HOUSING QUALITY SPECIALIST II

QUALIFICATIONS:

Education: High school diploma and family development credential; and/or

Experience: Two years secretarial experience, experience in human services or housing fields and family development credential.

SKILLS: Secretarial skills, including the ability to type, file and operate office machinery. Ability to learn, interpret and apply regulations. Good organizational and communication skills.

REQUIREMENTS: New York State driver's license, ability to drive standard shift or willingness to learn.

LINE RELATIONSHIP: The Housing Quality Specialist II reports directly to the Housing Assistance Supervisor.

BASIC FUNCTION: Performs client intake and housing quality inspection functions.

SPECIFIC RESPONSIBILITIES:

Open and distribute incoming mail and take care of outgoing mail, including sorting, stamping and stuffing monthly rental assistance checks;

Answer and distribute income telephone calls;

Act as a receptionist and greet visitors to the Housing Office;

Maintain up to date knowledge of Section 8 program regulations;

Obtain all information and documentation for completion of initial applications or recertifications including verification of income and family composition in accordance with the federal preference regulations and administrative plan;

Make referrals to other services to meet client needs;

Maintain and utilize accurate waiting lists using computer system in accordance with federal preference regulations and Delaware Opportunities Housing Office procedures;

Maintain accurate and complete files and records for all current program participants as well as maintaining inactive files for seven years; dispose of files after seven years;

Conduct tenant briefings to provide program information regarding eligibility, tenant/owner responsibilities, method of program operation, equal opportunity, fair housing and Federal Privacy Act rights; assure that clients and landlords receive tenant/landlord packages containing all information required by HUD;

Ensure that each family understands how to determine utility and service allowances for a given unit, how to complete their own inspection and their responsibilities;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		63

Conduct housing quality inspections as required for Section 8 rental assistance;

Obtain and maintain current lead sampling technician certification. Conduct lead sampling as required or directed;

Inform landlords, tenants and other program staff of housing inspection results and required improvements;

Prepare and mail all recertification notices;

Maintain accurate and up-to-date data base in computer of payments made on behalf of clients to be used in preparing reports, budgets, and 1099s as required by state and federal mandates;

Provide Housing and Community Development Director with accurate monthly statistical reports, including inspections completed, units under contract by program and unit size;

Assist in publicity and outreach efforts including preparation of press releases, preparation and distribution of posters and flyers to publicize the availability of assistance or to increase waiting lists;

Assist in preparation of CDBG applications on behalf of communities in Delaware County; conduct windshield door-to-door and other surveys to document eligibility and need;

Take photographs of properties for inclusion in applications; assist in compiling all documents necessary for timely completion of CDBG applications;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		64

HOUSING AND COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT SPECIALIST

QUALIFICATIONS:

Education: Associate's degree in construction or related field and 4 years construction management and experience; and/or

Experience: 6 years progressive responsibility in construction or related field.

REQUIREMENTS: New York State driver's license and ability to drive standard shift or willingness to learn.

SKILLS: Ability to prepare written specifications/work write-ups and accurate estimates for housing rehabilitation. Ability to read, understand and comply with local and state building and fire codes and HUD Housing Quality standards. Ability to read, understand and implement program regulations and program design.

LINE RELATIONSHIP: The Community Development Specialist reports to the Housing and Community Development Director.

BASIC FUNCTION: Responsible for supervision of consultants and contractors in implementation of Community Development Block Grant Programs in a timely fashion consistent with rules, regulations and the approved program design for CDBG Programs.

SPECIFIC RESPONSIBILITIES:

Develop, maintain, update and assure compliance with material specifications list designed to assure decent, affordable materials suitable for various types of housing rehabilitation;

Maintain client files for each unit to be rehabilitated, inclusive of all information required;

Obtain all documentation or other materials necessary to determine eligibility (Housing and Community Development Director will formally determine eligibility);

Assist in or obtain information necessary for presentation of bills to CDBG;

Conduct housing surveys/work write-ups based on on-site review of housing conditions, assuring that the priorities for the program are addressed in the appropriate order. Prepare accurate estimates of the dollar value of the repairs;

Identify and implement cost saving construction techniques and/or leverage additional funds to assure that the maximum benefit accrues to the eligible applicant and that CDBG funds are minimized in this effort;

Develop, maintain and up-date a listing of approved contractors for bidding on jobs;

Submit work write-ups to contractors on the approved list (to be approved by participating local unit of government) establishing a bid return date and establishing a work site walk-through;

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		65

Meet with contractors interested in bidding and walk-through the property to identify the need for variations in the work write-ups. Prepare revised work specifications and estimates based on any proposed changes and submit proposed changes to all contractors;

Review bids received on an item-by-item basis to assure cost containment. Provide advice to the borrower regarding the appropriate bid to accept. Where the borrower selects a contractor with bids above the estimate, work with Housing and Community Development Director to determine the participation of the homeowner;

Provide written notice to proceed to the contractor selected by the homeowner;

Conduct periodic inspections to assure that all work has been reviewed as to meeting material and work specifications and that work has been accomplished in a professional manner;

Assist with the processing of fund requests;

Project future cash needs based on anticipated job completion dates and assist in preparing vouchers and approvals for presentation to the units of local government;

Develop and implement a time schedule which provides for the completion of the CDBG programs within the specified time frames. Develop alternate time schedules as necessary and implement goals to assure that the program is completed within the original time frame;

Review expenditures for contractors/consultants against the established program budget and program design and recommend corrective actions as necessary;

Prepare all regular and special reports and submit same in a timely manner to funding sources, the Executive Director, local units of government and other individuals or groups as required;

Act as an advocate for and promote a positive image for the program and for Delaware Opportunities Inc.;

Maintain an effective knowledge of local programs and resources which potentially benefit program participants;

Provide general assistance and support to the Housing and Community Development Director in the implementation of the programs;

Work to maintain, expand and maximize participation in all assigned programs;

Perform other similar or associated duties as required or directed.

SECTION:	DATE:	CHANGE:	PAGE:
JOB DESCRIPTIONS	03/05		66