

Housing Choice Voucher Program

Administrative Plan

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SHASTA COUNTY HOUSING AUTHORITY
ADMINISTRATIVE PLAN

Page

5.....	Section I	Statement of Overall Approach and Objectives in Administering Section 8 Housing Choice Voucher Program
		A. Establishment of Housing Authority
		B. Purpose of the Administrative Plan
7.....	Section II	Receipt of Applications and Establishment of a Wait list
		A. Public Notice to Very Low Income Families
		B. Receipt of Applications
		C. Establishment of a Wait List
		D. Special Admissions and Wait List Admissions
		E. Preference Verifications
		F. Denial of Preference
		G. Removal from the Wait List
12.....	Section III	Selection and Admission of Families
		A. Selection of Families from the Wait List
		B. Family Unification Program
		C. Denial of Assistance
		D. Informal Review
15.....	Section IV	Issuance of Vouchers for Eligibility
		A. Term of Voucher
		B. Suspension of Outstanding Vouchers
		C. Responsibility of Voucher Holder to Find Unit
		D. Incoming Portability Families
		E. Outgoing Portability Families
		F. Subsidy Standards
		G. Request for a Reasonable Accommodation
19.....	Section V	Leasing a Unit
		A. Assistance to the Family in the case of Alleged Discrimination
		B. Leasing Process
		C. Rent Reasonableness
		D. Housing Quality Standards Inspections
		1. Inspection of Contracted Units
		2. Notice of Inspection Determinations
21.....	Section VI	Policies for Participation
		A. Unit Occupancy
		1. Change in Family Size
		2. Moving
		<u>3. Change of Ownership Due to Lender Foreclosure of Unit</u>
		<u>3.4. Change in Ownership</u>
		<u>4.5. Voucher Disbursement at Family Separation</u>
		<u>5.6. Absence from the Unit</u>

- B. Income
 - 1. Verification of Income
 - 2. Reporting of a Change in Family Income
- C. Amount Owed to Housing Authority by the Family
 - 1. Unreported Changes in Income and/or Household Composition
 - 2. Fraudulent Representation of Family Income and/or Household Composition
 - 3. Tenant Repayment Policy
 - 4. Repayment Agreement Stipulations
- D. Family Members
 - 1. Live-In Aides
 - 2. Foster Persons
 - 3. Co-Head
 - 4. Verification of Social Security Number
- E. Family Self-Sufficiency Program
- F. Termination of Assistance
- G. Informal Hearing

- | | |
|---------------------|--|
| 32.....Section VII | Determination of Income and Eligibility |
| | A. Determination of Family Contribution and Housing Assistance Payment |
| | B. Minimum Rent |
| | C. Payment Standard |
| | D. Certifications / Recertification |
| | 1. Interim Recertification |
| | 2. Annual Recertification |
| | 3. Notification Procedures |
| 35.....Section VIII | Maintaining Contractual Relationship with Owners |
| | A. Screening of Family |
| | B. Information to Landlords |
| | C. Encouraging Landlord Participation |
| | D. Amount Owed to the Housing Authority by the Owner |
| | E. Denial of Owner Participation |
| | F. Expanding Housing Opportunities |
| 37.....Section IX | Administrative Fee Reserve |
| | A. Required Use |
| | B. Other Permitted Use |
| | C. Threshold Expenditures |
| 38.....Section X | Definitions |

41.....Section XI

Attachments

- A. Family Unification Program Action Plan
- B. Family Obligations
- C. Family Self-Sufficiency Action Plan
- D. Criminal Activity Policy
- E. Informal Hearing Procedure
- F. Violence Against Women Act
- G. Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- H ~~G.~~ Veterans Affairs Supportive Housing
- I ~~H.~~ Code of Conduct
- J ~~I.~~ Furthering Fair Housing

SECTION I.

STATEMENT OF OVERALL APPROACH AND OBJECTIVES IN ADMINISTERING
SECTION 8 HOUSING CHOICE VOUCHER (HCV) PROGRAM

A. Establishment of Housing Authority

On May 3, 1971, the Board of Supervisors of the County of Shasta enacted a resolution, which formed the Shasta County Housing Authority (hereinafter referred to as the Housing Authority.) Recognizing the need to assist low-income families to enjoy decent, safe and sanitary housing, the Board named itself Commissioners of the Housing Authority. Subsequent meetings of this body established policies and procedures for operating a Public Housing Authority in accordance with the regulations set forth by the U.S. Department of Housing and Urban Development (hereafter referred to as HUD.)

In October 1975, the Housing Authority was notified that an application for Section 8 Existing Housing had been approved and a County Department was formed to administer the program. Since that time the Housing Authority has assisted many low and moderate-income families, disabled persons and elderly citizens. In addition, excellent working relationships have been established with landlords, realtors and other community service oriented organizations. Housing Authority goals are to assist eligible families to obtain and maintain decent and affordable housing, to enhance their standard of living, to help them become self-sufficient, and assist the local economy.

B. Purpose of the Administrative Plan

HUD requires that each Housing Authority have a document known as the Administrative Plan, which describes stances on various policy issues as well as descriptions of specific programs. The Administrative Plan is the guiding document for implementing the Section 8 Housing Choice Voucher (HCV) program. HUD regulations and directives will control in the event that any statement or policy within this Administrative Plan contradicts HUD rules and regulations.

The Housing Authority Board of Commissioners will review and approve any significant deviation or amendment to this Administrative Plan. If a change is not a significant deviation or amendment to the Administrative Plan, the Director of the Housing Authority will review and approve the change.

Definition of Substantial Deviation from the Administrative Plan:

Any change, which fundamentally and significantly alters the mission, goals or objectives of the agency as, stated in the Administrative Plan.

Definition of Significant Amendment or Modification to the Administrative Plan:

Any change which fundamentally and significantly alters the approach to managing programs and providing services that benefit the recipients of the HCV program. This includes the implementation of any new program not identified in the Housing Authority Plan or the elimination of any program currently being administered.

Note: An exception to this definition will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements or Housing Authority program/budgetary limits; such changes will not be considered a substantial deviation or significant amendment. In addition, any discretionary policies, procedures or administrative decisions, which do not negatively affect the majority of the recipients of the program, will not be considered significant amendments or modifications to the Administrative Plan.

C. Jurisdiction

The Shasta County Housing Authority jurisdiction for administering the Housing Choice Voucher program includes: the unincorporated areas within Shasta County, the cities of Anderson and Shasta Lake in Shasta County and the counties of Modoc, Siskiyou, and Trinity.

SECTION II.

RECEIPT OF APPLICATIONS AND ESTABLISHMENT OF A WAIT LIST

A. Public Notice to Very Low Income Families

The Housing Authority shall make known to the public, through publication in a newspaper of general circulation, as well as through minority media and other suitable means, the availability and nature of housing assistance for very low income families, including assistance with respect to units already occupied by the family if the units qualify as existing housing. The notice will indicate when the wait list will open/close, where to apply, how to apply as well as give other pertinent information needed to ensure all persons interested in applying may do so.

A family initially determined to be eligible will be placed on the wait list or in an applicant lottery pool, as indicated in the notice. (Because of limited HCV assistance, not all families in an applicant lottery pool may be selected for placement on the waiting list. The Housing Authority will indicate how many applicants from the applicant lottery pool will be placed on the waitlist list in its notice.)

B. Receipt of Applications

When the Housing Authority opens the wait list, applications will be accepted from families for whom the list is open unless there is good cause for not accepting the application. Where the family is determined to be ineligible, the Housing Authority will notify the family in writing. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so. Applications must be submitted as indicated in the public notice. Only one application per applicant/social security number will be accepted; duplicate applications will not be accepted. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

The Housing Authority will require families to provide the information on the wait list application that is needed to make an initial assessment of the family's eligibility for assistance and its self-certified preference category designation. Depending on its self-certified preference category designation, a family initially determined to be eligible will be placed on the wait list or in an applicant lottery pool, as specified in the notice. The family will not be required to provide all of the information necessary to establish family eligibility and level of assistance until the family is selected from the waiting list.

Regardless of whether or not the wait list is open, families in the following three categories shall be eligible for placement on the wait list at all times:

1. Families who have been involuntarily displaced (within no more than six months from the date of preference verification) by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster occurring within Shasta County Housing Authority jurisdiction, as declared by the Governor of the State of California or due to extensive damage as a result of a federally-declared disaster (as listed with the Federal Emergency Management Agency (FEMA)), pursuant to Federal disaster relief laws.
2. Families determined to be eligible for the Family Unification Program (FUP) (Attachment A.)

3. Families referred by the Shasta County Community Action Agency HOME Tenant Based Rental Assistance (TBRA) program, up to the limitation of referrals as indicated in this document.

C. Establishment of a Wait List

Only complete applications submitted by persons age 18 and older or emancipated minors, at the time the application is submitted, will be accepted. Applications will not be accepted unless completed sufficiently so that correct placement on the wait list can be determined. Applications submitted without sufficient information for placement on the wait list, applications submitted by minors and applications that do not contain the social security number of the applicant will be sent a letter of denial. The denial letter will include direction for submitting a request for an informal review. In cases where two wait lists overlap, applications on the pre-existing wait list will be processed before applications from the new wait list.

Placement in the applicant lottery pool, if any, or on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

D. Special Admissions and Wait List Admissions

Special Admissions: A Special Admission is an admission of an applicant not on the Housing Authority wait list or admission without considering the family's position on the wait list when HUD awards funding that is targeted for certain families.

FUP: Family Unification Program. (See Attachment A.) Since the Family Unification Program is a special admission for assistance, placement onto the wait list will only occur if an FUP slot is not immediately available for the family. In this case, the family will be placed on the wait list until a slot becomes available. (See Attachment A.) (Applicable to Shasta County residents only.)

VASH: Veterans Affairs Supportive Housing. (See Attachment [HG](#).) Since the VASH program is allocated for a specific number of slots, those slots will be filled until the number has been exhausted. No wait list will be maintained for the VASH program.

Wait List Admissions: Priority in the selection of families from the wait list for the issuance of Vouchers will be determined based on the family's preference designation, as follows:

2. Due to funding constraints, it may become necessary to terminate participant families from the Shasta County HCV program. (See Section VI, F.) In this event, the families terminated from the program by Shasta County Housing Authority will have their name added to the HCV wait list, with priority, according to their original wait list application date. (50 points)
3. Families referred by Shasta County Community Action Agency who are currently assisted by the HOME TBRA Program who will exhaust HOME TBRA program assistance and who reside or work within the Housing Authority jurisdiction and are either 1) families with dependents, or 2) families whose head, co-head or spouse is elderly, or 3) families whose head, co-head or spouse is disabled. The Housing Authority

limits the number of families that are admitted using this preference to 40 families per calendar year. (50 points)

4. Families who have been involuntarily displaced (within no more than six months from the date of preference verification) by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster occurring within Shasta County Housing Authority jurisdiction, as declared by the Governor of the State of California or due to extensive damage as a result of a federally-declared disaster (as listed with the Federal Emergency Management Agency (FEMA)), pursuant to Federal disaster relief laws. (50 points)
5. Families with dependents and families whose head, co-head or spouse is elderly and/or disabled who reside or work within the Housing Authority jurisdiction. (40 points)
6. Families with dependents and families whose head, co-head or spouse is elderly and/or disabled who do not reside or work within the Housing Authority jurisdiction (30 points)
7. Other applicants not described above, who reside or work within the Housing Authority jurisdiction. (20 points)
8. Other applicants not described above who do not reside or work within the Housing Authority jurisdiction. (10 points)

E. Preference Verifications

1. Preference designation as listed above for each application will be assigned at the time the application is received. Changes to the preference designation of an application while on the wait list can be made in the event that the applicant submits written information regarding changes to the application.
2. Verification of all preferences will be required at the time that eligibility for assistance is determined (when the applicant name comes to the top of the wait list). If the applicant no longer qualifies for the assigned preference previously indicated on the application or application update form, but is apparently eligible for the program otherwise, the application may be returned to the wait list without the benefit of the preference.
3. For the purpose of determining a preference for families who reside in the Housing Authority's jurisdiction, residency is based on where the family lives or stays the majority of the time immediately prior to being issued a letter initiating eligibility determination with the exception noted in item 5, below. Evidence of residency will be determined by the Housing Authority based on verifications such as rent receipts, utility statements, wage information, school records and assistance benefit issuances by other agencies.
4. If an applicant indicates they are homeless, the applicant family must provide verification of their homelessness status. Verification of homelessness can be obtained from a public or private agency providing shelter to the family, a public or private agency or business who can verify the family's living situation or from local police or a social service agency.

5. Families who indicate they have been displaced by government action or whose dwelling has been extensively damaged or destroyed (within no more than six months from the date of preference verification) as a result of a disaster must provide proof of residency in the affected jurisdiction during the time of the disaster, as well as written verification by the displacing unit or government agency, FEMA or a service agency such as the Red Cross.

Note: The use of a preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

F. Denial of Preference

When the Housing Authority determines that a family does not qualify for a requested preference, the family has the right to meet with a Housing Authority representative to review the decision. The family may request the meeting verbally or in writing. Any person designated by the Housing Authority may conduct this meeting. The family has no further right for appeal beyond this process.

G. Removal from Wait List / Denial of Wait List Application

Following are reasons families may be removed from the wait list or have their wait list application denied. In the event that a family's application is removed from the wait list, the family must reapply in order to be placed on the wait list again. (See Section III, C. for information on the denial of assistance at time of application.)

1. The Housing Authority has sent an inquiry letter to the family in an effort to update the wait list and has notified the family of their responsibility to respond to the letter by a particular date and the family has failed to do so. (The Housing Authority will periodically update/purge its wait list to ensure that the pool of applicants reasonably represents the interested families for whom the Housing Authority has current information, i.e. applicant's address, family composition, income, preferences.)
2. If the Housing Authority sends notification of the Housing Authority's intention to determine the family's eligibility for the program and has notified the family of their responsibility to respond by a particular date and the family has failed to do so.
3. If the family is notified of their denial of eligibility and the right to an informal review but does not request an informal review by the date indicated on the notification, or if after an informal review, the family is determined to be ineligible. (See III. D.)
4. Failure of the family to supply required information or otherwise comply with the eligibility process or accept assistance under the program at the time eligibility is offered.
5. If a family requests, in writing, to have their name taken off the wait list.
6. If a family submits a wait list application but it is determined that they are not income-eligible for assistance.

7. If any letter is returned by the post office with or without a forwarding address, the applicant will be removed from the wait list.

Note: It is the responsibility of the Housing Authority to move forward with determination of eligibility at the time that an applicant reaches the top of the wait list and a voucher is available. Applicants are responsible for updating contact information by reporting in writing any changes in the family's mailing address.

However, in the event that a family does not respond as required, or if the letter is returned by the post office as undeliverable, the applicant may request that the original application be returned to the wait list, as opposed to submitting a new application. Reinstating an application may only occur if the applicant requests reinstatement in writing within 60 days from the date of the letter and it is a reasonable accommodation for a person with a disability or if the Housing Authority determines that there were circumstances beyond the applicant's control which prevented the applicant from promptly replying.

The decision to reinstate the original application or require the applicant to submit a new application is at the sole discretion of the Housing Authority. Reinstatement of an original application for this reason will only be granted one time. Thereafter, a new application for assistance must be completed. The Housing Authority cannot guarantee the availability of a voucher in the future.

SECTION III.

SELECTION AND ADMISSION OF FAMILIES

A. Selection of Families from the Wait list

1. When funds are available, eligibility letters will be sent to families by order of placement on the wait list. Eligibility letters will inform the family that they must contact the Housing Authority within a specific timeframe in order to start the eligibility process.
2. Eligibility for initial assistance will be based on the household members listed on the initial questionnaire form submitted to the Housing Authority during the eligibility process. Additional household members may not be added to the certification/recertification form while the eligibility process for a Voucher is in process, unless the person to be added is the result of a birth, adoption, foster care placement, marriage or as a reasonable accommodation for a disabled household member. At the discretion of the Housing Authority, it may be allowed for a biological parent of a child in the family to be added during the eligibility process.
3. To be income eligible, the applicant must be a family in any of the following categories:
 - a. An 'extremely low income' family
 - b. A 'very low income' family
 - c. A 'low income' family that is 'continuously assisted' under the 1937 Housing Act;
 - d. A 'low-income' family that meets additional eligibility criteria specified by the Housing Authority.
4. If a family is determined to be eligible for the program, they will be scheduled for a briefing, at which time a Voucher will be issued. The Housing Authority must provide a Voucher within 60 days of the date the Housing Authority receives information needed to verify the eligibility of a family.
5. If a family is determined to be ineligible, they will be sent a letter stating such and will be informed of their right to an informal review of the denial.
6. If a family is determined eligible for a residency preference (See Section II, D., 2 and 4) based solely on the fact that they 'work' within the Housing Authority jurisdiction and the family is granted a Voucher for participation, the family must enter into an assisted lease within the Housing Authority jurisdiction for at least one year before they are eligible to move to another Housing Authority. If a family is determined eligible, receives a voucher and does not live or work in the Housing Authority jurisdiction the family must enter into an assistance lease within the Housing Authority jurisdiction for at least one year before the family is eligible to move to another Housing Authority.

B. Family Unification Program

The Housing Authority will operate a Family Unification Program (FUP) in coordination with the Shasta County Department of Social Services. The Family Unification Program provides Vouchers to families who have been or may be separated due to lack of adequate housing. Family Unification Program families must be referred by the Shasta County Department of Social Services.

The Family Unification Program baseline effective June 14, 2012 is six (6) units. The Vouchers will, to the extent practicable, be reissued to FUP-eligible families upon turnover. Once the baseline is reached, Housing Authority obligation will be met. However, additional Vouchers may be issued to eligible families, at the discretion of the Housing Authority, based on available funding. The Family Unification Program Action Plan is included as Attachment A.

C. Denial of Assistance

HUD regulations specify grounds for the mandatory denial of assistance, such as prohibiting admission to the Housing Authority's HCV program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program and prohibiting admission to the Housing Authority's HCV program if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.

(Note: The Housing Authority has access to a national database covering sex offender registries in all states and will use this method in verifying sex offender registrants. If the information is not available in the national database but the Housing Authority has reason to believe a person to be a registrant, contact with law enforcement authorities will be made.)

Additional grounds for denial of assistance include the following:

1. No applicant will be admitted to the HCV program if they owe monies to any Housing Authority unless repayment is made in full. Repayment must be made in full within 30 days of notice to the applicant or the application will be denied.
2. No applicant will be admitted if it is determined by the Housing Authority that the applicant is reporting fraudulent information or providing fraudulent verifications to the Housing Authority during the eligibility process. The act of reporting information or providing verifications to the Housing Authority which contradicts information or verifications provided to other agencies or institutions is considered fraudulent in nature and is reason for denial.
3. The applicant will be provided three opportunities to attend an initial program briefing. If the applicant does not attend any of the three scheduled briefings, they will be denied assistance and will have to reapply to the wait list.
4. If a family had been terminated from the HCV program in the past for a violation of a provision of the 'Family Obligations' form (see Attachment B.), any subsequent applications for assistance by any adult family member who had signed the Family Obligations form will be denied for a period of three years from the date of the termination of participation.

5. Any violation of the Criminal Activity Policy (See Attachment D.) However, the Housing Authority may reconsider eligibility if the family agrees to remove the culpable member who participated in or were culpable for an action which resulted in the denial of assistance from the application. As a condition of receiving assistance, the head of household must certify that the family member will not be permitted to live, visit or stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon request. If a violation of the Criminal Activity Policy is found, the family will have the opportunity to dispute the accuracy and relevance of the criminal record before assistance in the Section 8 Rental Assistance program is denied.

D. Informal Review

A family that applies to the program and is denied assistance has a right to an informal review of that decision. The family must request the informal review, in writing, and the Housing Authority must receive it within ten calendar days of the date of the denial letter. The review may be conducted by any person designated by the Housing Authority, with the exception of the person who made the decision or a subordinate of that person.

The family may present written or oral objections to the decision. Following the informal review, the Housing Authority will notify the family in writing of the Housing Authority decision and the reason for that decision.

A review will not be offered if the family's objection is that they cannot apply because the wait list is closed.

SECTION IV.

ISSUANCE OF VOUCHERS FOR ELIGIBILITY

A. Term of Voucher

Each Voucher issued will be valid for a period of sixty days. A Request for Tenancy Approval form must be submitted, fully completed and signed, no later than the expiration date of the Voucher. If the expiration date falls on a weekend or holiday, the Request for Tenancy Approval form will be accepted no later than 4 p.m. on the following working day. Incomplete or unsigned Request for Lease Approval forms will not be accepted. If the appropriate lease documents are not submitted by the family by the expiration date of the Voucher, the Voucher will expire. If the family who's Voucher has expired still wishes to participate in the HCV program, the family would have to reapply to the wait list when applications are being accepted.

Under special circumstances, the Housing Authority may authorize one additional 30-day extension. Requests for an extension must be made in writing and be submitted to the Housing Authority office, before the Voucher expires and will be granted at the Housing Authority's sole discretion. The following circumstances will be taken into consideration when evaluating an extension request: medical conditions of household members, efforts made by the household during the initial term of the voucher in finding a unit, and current funding utilization level.

The Housing Authority will brief each family in accordance with the Housing Authority Equal Opportunity Plan. The Housing Authority will also brief the family on the applicable standards, determination of the Housing Assistance Payment, and the minimum and maximum rent the family may pay. Each family shall be advised that it may select a unit within this operating jurisdiction. Families will also be advised of the HUD regulations regarding portability. The family will be given a housing Voucher packet along with a Voucher and the lease documents for initiating the leasing process.

B. Suspension of Outstanding Vouchers

In the event that it becomes necessary to suspend outstanding Vouchers due to limited program funding, the order of suspending Vouchers will occur as follows:

1. Vouchers issued to applicants who have not yet submitted a Request for Tenancy Approval to the Housing Authority office.
2. Vouchers issued to applicants who have submitted a Request for Tenancy Approval to the Housing Authority office but have not yet had the final lease up documents initiated between the Housing Authority and the landlord.
3. Vouchers issued to participants who have not yet submitted a Request for Tenancy Approval to the Housing Authority office.
4. Vouchers issued to participants who have submitted a Request for Tenancy Approval to the Housing Authority office but have not yet had the final lease up documents initiated between the Housing Authority and the landlord.

Those families whose Vouchers are suspended for this reason will be placed on the HCV wait list in the order of original application date, behind those families, if any, that have had their HAP contracts terminated under Section VI, F.

C. Responsibility of Voucher Holder to Find a Unit

Each family shall be responsible for finding a unit suitable to their needs and desires in any area within the jurisdiction of the Shasta County Housing Authority, or the family may utilize portability, if eligible. The family may select the dwelling they already occupy or may choose a new dwelling unit.

However, if the family did not have legal domicile in the Housing Authority jurisdiction at the time they came to the top of the wait list, the Housing Authority will not afford the family the right to exercise portability until the family has been assisted for at least twelve months in the Housing Authority's jurisdiction.

D. Incoming Portability Families

When a family who has transferred from another jurisdiction to the Housing Authority jurisdiction, a Voucher will be issued with an expiration date of 30 days after the expiration date of the Voucher issued by the initial Housing Authority, in accordance with HUD regulations regarding portability. If the initial Housing Authority issues a Voucher for less than sixty days, the Housing Authority will extend the term up to sixty days. Any additional extension will be granted based on Housing Authority extension guidelines. (See Section IV, A.) The Housing Authority has the right to absorb the family into the Housing Authority program or administer the family's eligibility and bill the initial Housing Authority, in accordance with HUD regulations.

E. Outgoing Portability Families

If a family who has been issued a Voucher by the Housing Authority is eligible to move and wishes to transfer to another Housing Authority's jurisdiction, the Housing Authority will determine if the transfer is feasible, based on the Housing Authority's current funding limitations.

If the Director of the Housing Authority determines that there may not be sufficient funding to support all families on the program, the family's right to transfer their case will be limited, as follows. The family may only be approved to move to a Housing Authority who will either absorb the case or one who will afford a payment standard for the family that is equal to or less than the Shasta County Housing Authority's payment standard for the family.

If the family's case is transferred, the receiving Housing Authority may either absorb the family into their own program or administer the family's eligibility. If the receiving Housing Authority administers the family's eligibility, reimbursement to the receiving Housing Authority will be processed, in accordance with HUD regulations.

If the family owes the Housing Authority money, the Housing Authority will not allow the family the right to move to another jurisdiction under portability unless the debt is paid in full before the family's Voucher expires.

F. Subsidy Standards

Subsidy standards are the standards used to determine the appropriate subsidy for families of

different sizes and compositions. The subsidy standards do not indicate who must share a sleeping/living area.

The Housing Authority will issue each housing Voucher a subsidy standard based on family composition. The family chooses a unit they would like to rent, subject to restrictions against overcrowding and in accordance with HUD requirements.

An exception to the subsidy standards may be granted if the Housing Authority determines that the exception is justified due to special needs of the family member(s). For example, an exception may be based on the need for an extra bedroom to store or utilize medical equipment, or to accommodate a family member with a disability or medical condition. Documentation will be required. If an exception to the subsidy standards is granted due to special needs of the family member(s), the continued need for the exception will be evaluated periodically.

At the time the Voucher is issued, no additional household members will be approved by the Housing Authority unless due to birth, adoption, foster care placement or marriage or as a reasonable accommodation for a disabled household member. At the discretion of the Housing Authority, it may be allowed for a biological parent of a child in the family to be added.

Effective February 1, 2014, subsidy standards are based on the following guidelines:

1. One bedroom will be allocated for every two household members, regardless of the age, sex, or relationship of the household members.
2. The unborn of a pregnant woman will be considered in determining a subsidy standard if there are no other family members in the home other than the pregnant woman (and spouse/co-head or significant other, if applicable.)
3. A child who is temporarily away from the home (see Section VI, D., 2) because of placement in foster care is considered a member of the family in determining the subsidy.
4. A live-in-aide will also be considered when determining subsidy standards, according to HUD regulations. An approved live-in aide and their family members may reside in the unit as long as their presence does not overcrowd the unit (more than two persons per sleeping/living space). Note: Unless a live-in aide lives with the family, the subsidy size for any family consisting of a single person will always be a one-bedroom unit. When determined necessary, the continued need for a live-in aide will be reevaluated periodically.
5. Persons residing in the home for less than 50% of the time will not be considered members of the household and, therefore, not considered when determining subsidy standard. Evidence of percent of residency in the home will be determined by the Housing Authority based on verifications such as court orders, tax returns, school records and assistance benefit issuances by other agencies.

G. Request for a Reasonable Accommodation

If a member of a family has a disability and a request is made either verbally or in writing for a reasonable accommodation for the disability, the Housing Authority will consider the request if it does not conflict with regulations set forth by HUD for administering the HCV program.

The Housing Authority must have verification that the family member is determined to be a disabled person, as defined by HUD. It then must be determined that the accommodation is needed due to the family member's disability and that the accommodation will enable the family member equal access to the program. If the Housing Authority determines that the accommodation creates an undue administrative or financial burden, the Housing Authority may deny the request and/or offer alternative solutions to meet the needs of the family member.

In the event that a family requests a reasonable accommodation to rent a unit from a relative due to a family member's disability, the justification must indicate the reasons the particular unit better meets the needs of the disabled family member rather than a similar unit. The determination that the need for a reasonable accommodation exists may be reevaluated at each annual recertification.

In the event that a family requests a reasonable accommodation for an extension for requesting an informal hearing, the request must be provided to the Housing Authority office within 30 days of the date of termination. The Housing Authority will determine if the family does include a person(s) with disabilities and whether or not the disabilities affected the family's ability to request an informal hearing within the 10-day period.

SECTION V.

LEASING A UNIT

A. Assistance to the Family in the Case of Alleged Discrimination

The Housing Authority will provide assistance in finding a unit for any family, which alleges that discrimination is preventing them from locating a suitable unit. When requested, the Housing Authority will provide information to the family in regards to filing a claim for illegal discrimination regarding housing. Assistance will also be provided in finding units for those families who, because of age, handicap or other reasons are unable to locate acceptable units.

B. Leasing Process

The family must request that the Housing Authority initiate the leasing process for a particular unit by submitting the required lease documents to the Housing Authority, which includes the Request for Tenancy Approval (RFTA) form. The Housing Authority will review the lease documents and discuss the program with the owner. If the information on the unit complies with the limits of the particular family, an inspection of the unit will be scheduled. Once a RFTA has been submitted for approval, the unit must be available for the initial inspection within thirty (30) days from the date of the receipt of the RFTA form. When the unit passes inspection, appropriate lease documents will be prepared.

The beginning date of the Contract and Lease will be the first day of the month on or after the unit passes inspection and the tenant has taken possession of the unit.

The unit must pass an initial Housing Quality Standards inspection before the Housing Assistance Payments Contract can begin. The Housing Authority is not responsible for any payment to the landlord prior to the execution of the Housing Assistance Payment Contract.

C. Rent Reasonableness

The Housing Authority will conduct a comparability study to determine if the rent being requested by the landlord is reasonable compared to other similar, unassisted units in the area. This comparability study will be performed in accordance with HUD regulations, which includes studies at initial leasing of a unit and at any time that the landlord requests a rent increase. The Housing Authority may also redetermine rent reasonableness at its discretion to monitor compliance with HUD regulations.

The requested rent amount will be compared to at least two similar unassisted units within the immediate area. If comparable units are not located within the immediate area, units located in the near vicinity may be used. Documentation of the comparability study will be kept in the case file. In the event that the Housing Authority cannot locate similar unassisted units that compare to the rent being requested by the landlord, the Housing Authority will offer the opportunity for the landlord to provide such comparables. If the landlord does so, the Housing Authority will verify whether the comparables are adequate.

The following may be taken into account: location, unit size, unit type, unit age, amenities, facilities, services and utilities to be paid by the owner. The Housing Authority solicits information from local landlords regarding the rents being charged for unassisted units. The Housing Authority may also use local agencies and real estate publication services. The Housing

Authority may also use data collected from public advertisements. Other factors which may be considered will include the Fair Market Rent (FMR) as published by HUD annually; Fair Market Rents are housing market-wide estimates of rent plus utility costs and are established on an area basis by HUD.

D. Housing Quality Standards Inspections

The term, Housing Quality Standards, refers to the minimum quality standards for housing assisted under the HCV program in accordance with HUD regulations.

1. Inspection of Contracted Units will occur:
 - a. Prior to execution of a rental assistance contract and at least once every 24 months thereafter, ; unless otherwise specified by HUD;
 - b. At the request of the family, or upon complaint by the family of uncorrected deficiencies, which may develop during the lease/contract term;
 - c. At the request of the owner due to a concern by the owner or to document the condition of a unit at the time the tenant vacates the unit;
 - d. At the Housing Authority's discretion due to a complaint regarding the condition of the unit or as required by law enforcement or HUD;
 - e. As a Housing Quality Control measure, a sampling of units is inspected annually on a random basis by a qualified inspector other than the person who regularly performs inspections. (The minimum size of the Housing Authority quality control sample is determined in accordance with HUD regulations); and
 - f. All inspections will be scheduled, in advance, by contact with the family. A 24-hour notice will be given unless the family agrees to a shorter time frame. If a contact cannot be made with the family directly, a letter will be sent to the family indicating the date and time of the inspection.
2. Notification of Inspection Determinations

The landlord and family will be notified in writing of any deficiencies noted during inspections. Deficiencies which receive a "Fail" rating, in accordance with HUD's Housing Quality Standards, will require correction within a specified time frame, as indicated in the notification letter. If the fail items are not corrected as required, rental assistance payments may be suspended until they are corrected or the Housing Assistance Payment Contract may be terminated.

The correction of fail items may be documented either by a reinspection by Housing Authority staff or by the owner's written certification, a receipt from a vendor, a photo of the repair or tenant confirmation that the repairs are complete. The Housing Authority will determine whether a Housing Authority reinspection or landlord/tenant certification will be needed, based on the number and severity of the fail items.

SECTION VI.

POLICIES FOR PARTICIPATION

A. Unit Occupancy

1. Change in Family Size

- a. When a family size increases to the extent that there are more than two persons per living/sleeping area, the family will be determined to be overcrowded for the unit. In this event, a notice of Housing Assistance Payment contract termination will be provided to the family and the landlord at least thirty days in advance of the termination of the HAP Contract. Assuming the family remains eligible for the program, the family will then be issued a Voucher of appropriate size and will be required to move to an appropriately sized unit in order to retain HCV eligibility.
- b. When the family size decreases to the extent that the current Voucher size is no longer appropriate, the family is over housed. Effective the next annual recertification following the decrease in family size, Voucher holders will have their payment calculated based on the appropriate payment standard for the family size at that time.
- c. The family must not allow anyone to move into the assisted unit without prior approval by both the Housing Authority and the landlord. During the initial year of a HAP Contract and Lease, no new household members will be approved by the Housing Authority unless due to birth, adoption, foster care placement or marriage or as a reasonable accommodation for a disabled household member. At the discretion of the Housing Authority, it may be allowed for a biological parent of a child in the family to be added during the initial year of the HAP Contract.
- d. If the landlord does not approve a person to be added to the household, the Housing Authority will not approve the person(s) to be added to the family's assistance case at that assisted unit. If the additional person(s) move into the unit without approval, termination of family assistance may result.

2. Moving within the Housing Authority's Jurisdiction:

The family's eligibility to move with continued assistance is at the discretion of the Housing Authority. Factors to consider include:

- a. the family's eligibility for continued assistance;
- b. the family's compliance with Family Obligations while participating in the HCV program;
- c. available program funding;
- d. verification that any debt due to any Housing Authority has been paid

A full reexamination of family income and composition will be completed prior to the issuance of a moving Voucher unless a full reexamination was completed not more than

60 days prior to the date of issuance of a Voucher to move. The Housing Authority reserves the right to deny a family's request to move with continued assistance if the family owes money to the Housing Authority.

The family may not move during the initial year of assisted occupancy in a unit without prior written approval from both the Housing Authority and the landlord. The Housing Authority will only approve a move in the first year of the assisted tenancy in a unit due to extenuating circumstances which are beyond the family's control including, but not limited to health issues; participants who can document that they are a victim of domestic violence, dating violence or stalking; participants who can document that they are a victim of activity which threatens the health and safety of the family members.

If the Director of the Housing Authority determines that there may be a possibility of the termination of families from the HCV program due to funding constraints, the family may be denied the right to move with continued assistance, as follows. If a participant family has already been issued a Voucher to move but the lease up process in a new unit has not yet been finalized, the Voucher may be rescinded. If a participant family is in the process of being issued a Voucher to move, the family will not be issued a Voucher until further notice. In both cases, the families will have their name added to the HCV wait list, with priority, according to their original wait list application date, so that assistance can be offered to the family once funding does become available.

3. Change of Ownership Due to Lender Foreclosure of Unit

The Housing Authority will make all reasonable efforts to determine the status of the ownership of a property when it is made known that the property is in the process of foreclosure, which includes, 1) Continuing to make payments to the original owner until ownership legally transfers in accordance with the HAP contract, 2) Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest, 3) Inform the tenant that they must continue to pay rent in accordance with the lease, 4) Inform the tenant if the Housing Authority is unable to make HAP payments to the successor in interest, due to an action or inaction by the successor that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the successor, 5) Inform the tenant of continued eligibility options should the HAP Contract terminate.

4. Change in Ownership

A change in ownership does not require execution of a new Housing Assistance Payments Contract. The Housing Authority will start to process a change in ownership with a written request from the new or previous owner.

Ownership changes will not be processed until the new owner has completed a Change of Ownership for Section 8 Contracted Units form, Tenant Reference Sheet, Owner Certification form, W-9 and provided a copy of the grant deed or other documentation showing transfer of title has occurred.

All ownership changes, not involving lender foreclosures, must take effect no later than 60 days from the date of the original request. Failure to complete the required documentation within 60 days will result in termination of the Housing Assistance Payment Contract.

4.5. Voucher Disbursement at Family Separation

If a family separates, the assistance will be allocated based in order of priority as listed below.

- a. The adult member of the family who retains the primary physical custody of the majority of the minor children, with consideration of the following:
 - 1) If the family member who retains the primary physical custody of the majority of the minor children is not the head of family and was not in the home at the time the Voucher was issued, the Housing Authority will determine which adult member will retain the assistance. Circumstances to be considered will include, but are not limited to, recommendations from a child welfare agency, domestic violence reports, and criminal reports.
 - 2) If there are an equal number of children with each adult, the designated head of the family will retain the eligibility unless the head relinquishes assistance, in writing, to the other adult member.
- b. The adult member who was originally issued the Voucher.
- c. The adult member who has been in the family the longest amount of time.
- d. The adult member of the family who is elderly and/ or disabled.
- e. A non- family member, who is otherwise eligible to participate in the HCV program, who moves into the unit to care for the minors in the event of the unexpected absence of all other adult family members (i.e., death of a parent).

5.6. Absence from the Unit

Absence is defined as no family members residing in the unit. Such absence is allowable for no more than a 60-day period, except in extenuating circumstances, as approved, in writing, by the Housing Authority. Extenuating circumstances that may be considered include vacation and hospitalization. Absences that exceed this 60-day limit without approval by the Housing Authority will result in termination of the Housing Assistance Payment Contract and Voucher.

The means that the Housing Authority will use to determine the family's occupancy or suspected absence from the unit will include, but are not limited to: letters to the family's unit, phone calls, home visits and questions to landlords or neighbors.

6.7. Remaining Member of a Family:

When a family decreases in size to the extent that only one person remains, the individual remains eligible for the program under this rule.

B. Income

1. Verification of Income

- a. The Housing Authority may request third party verifications of income on all families. The Housing Authority will allow up to fourteen days for the receipt of the third party verification before processing a transaction. However, if third party verifications are not received in time for the timely completion of a transaction, the Housing Authority will use the verifications received to that date. When the third party verifications are received, an interim change to the rent shares will be processed if the change in income requires a change in rent shares, based on recertification policies.
- b. The Housing Authority will utilize both HUD's Enterprise Income Verification (EIV) System as well as the California Welfare system database (ISAWS) for verifying Social Security income and welfare benefits.
- c. If there are regular contributions to the family from an unknown source (such as miscellaneous bank deposits), these contributions will be counted as income unless the party making the contributions to the family certifies that the amounts are a loan. In this case, both parties must provide written detailed verification as to the amount of the loans, the duration they will continue and the details regarding the repayment of the loan amounts.

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, or car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries or clothing provided to a family on a regular basis.

- d. The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy is included in the calculation of the value of the family's assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.
- e. In the case of the issuance of a Voucher, all income verifications must be dated within sixty days of the effective date of the Voucher. In the case of an annual recertification, all income verifications must be dated within 120 days of the annual recertification effective date.
- f. To determine business expenses that may be deducted from gross income, the Housing Authority will accept complete tax returns submitted to the Internal Revenue Service (IRS) for verification of net income. If the family does not file tax returns on a consistent basis or if the business is relatively new at time of certification, self-employment income will be based on profit/loss statements provided by the tenant, which include receipts for specified costs and spreadsheets or journals for general costs such as gas/mileage.

- g. A family with children is entitled to a deduction for child care expenses if they are necessary to enable a family member to work or further his or her education. To be deductible, child care expenses must also satisfy regulatory requirements.
- h. In some cases, HUD regulations require that a student's income eligibility must be examined along with the income eligibility of the student's parents. If, however, a student in these circumstances is determined independent from his/her parents in accordance with the Housing Authority policy, the income of the student's parents will not be considered in determining the student's eligibility. The following criteria are used to determine independence from parents for the application of the student regulation:
 - 1) The individual is of legal contract age under state law.
 - 2) The individual has established a household separate from his/her parents for at least one year prior to application for occupancy.
 - 3) The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the students' most recent tax forms.
 - 4) The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

For any student who is subject to this regulation and who does not satisfy the definition of independent student in this section, the Housing Authority will determine the income eligibility of the student's parents as follows:

- 1) If the student's parents are married and living together the Housing Authority will obtain a joint income declaration and certification of joint income from the parents.
- 2) If the student's parent is widowed or single, the Housing Authority will obtain an income declaration and certification of income from that parent.
- 3) If the student's parents are divorced or separated, the Housing Authority will obtain an income declaration and certification of income from each parent.
- 4) If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, the Housing Authority will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. The Housing Authority will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

2. Reporting of a Change in Family Income

- a. The family is responsible to report and provide verification of changes in gross family income within 15 calendar days of the change. If the family does not report and provide verification of such changes within 15 calendar days, termination of eligibility may result.
- b. Yearly cost of living adjustments issued by the Department of Social Security, which increase the family's share of rent, will not be considered in a change in rent shares until the family's next annual recertification after the increase becomes effective. All other adjustments to Social Security benefits are required to be reported and verified by the family at the time of the adjustment and may be considered in a change in rent shares.
- c. If a family reports a change in income that the family is not required to report or a change in income which does not require a change in rent shares, no amendment to Contract and Lease will be made unless the family requests, in writing, that an amendment be processed. The verifications will be maintained in the case file for possible use at the family's next annual recertification.

C. Amount Owed to Housing Authority by the Family

1. Unreported Changes in Income and/or Household Composition

If it is determined that the family has had a change in household income or composition since the most recent certification (admission to the program or annual recertification) but did not report it in a timely manner (see Attachment B.), termination of benefits and/or an overpayment of housing assistance may occur.

Termination of eligibility in the program due to unreported income can also occur based on the number of occurrences of unreported income by the family in the past. In the event of termination for these reasons, reimbursement of the overpayment will continue to be pursued until the amount is collected in full.

Unreported income will be determined based on the difference between the income that was used to determine shares of rent versus what would have been used had the Housing Authority known of the increase in income in a timely manner. The number of months of unreported income will be determined based on when the amendment to Contract and Lease would have been initiated had the Housing Authority known of the increase in income in a timely manner versus the time the amendment was actually initiated.

2. Fraudulent Representation of Family Income and/or Household Composition

If it is determined that the family did not accurately report and verify family income and household composition at the most recent certification (admission to the program or recertification), fraudulent activity may exist, and termination of benefits and an overpayment of housing assistance may occur. In this case, an overpayment of the entire Housing Assistance Payments will be calculated for the period between when an amendment to Contract and Lease would have been initiated had the Housing Authority known of the increase in income in a timely manner through the termination date of the family's assistance.

3. Tenant Repayment Policy

If it is determined that the amount of the overpayment due to the Housing Authority exceeds \$1000, the family will be required to enter into a repayment agreement in order to continue receiving assistance. If the family does not agree to enter into a repayment agreement, the family will be terminated from the program.

If the family owes more than \$1000, the repayment agreement will require the family to repay the amount necessary to reduce the debt to less than \$1000 within 30 days of the date the repayment agreement is signed. The remainder of the debt must be repaid within the following 12 months, as stipulated in the repayment agreement.

If the family owes less than \$1000, the additional amount of unreported income will be added to the calculations of rent shares for the period necessary to reimburse the Housing Authority for the overpayment of Housing Assistance Payment, with the following exceptions.

- a. If adding the additional income to the calculations causes the Housing Authority share of rent to decrease to zero, the amount of unreported income will not be added to the calculations of rent shares. Instead, the family must agree to enter into a repayment agreement in order to retain their eligibility in the HCV program.
- b. Any unreported income amount for a family member who is participating in the Family Self-Sufficiency program will not be added to the calculations of rent shares. Instead, the family must agree to enter into a repayment agreement in order to retain their eligibility in the HCV program.

4. Repayment Agreement Stipulations

The term repayment agreement refers to a formal document signed by a tenant and the Housing Authority in which a tenant acknowledges a debt in a specific amount and agrees to repay the amount by a specific date. The Housing Authority may not enter into a repayment agreement if there is already a repayment agreement in place with the family. (In this event, the family may be terminated from the program.)

- a. The entire debt must be repaid in full before the family will be issued a Voucher to move from the unit.
- b. No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the repayment agreement is current: family size exceeds the HQS maximum occupancy standards; the HAP contract is terminated due to owner non-compliance or opt-out; a natural disaster.
- c. If the family does not comply with a repayment agreement as required, the Housing Authority will initiate termination of rental assistance benefits and/or deny the right to move to a new unit with continued assistance. In the event that the family is terminated/denied continued assistance, the balance of the overpayment will continue to be pursued until the amount is collected in full.

d. Payments will be made directly to the Housing Authority, or a third party collection agency, in a lump sum or in periodic payments in the form of ~~check~~ cashier's check or money order until the full amount due is recovered.

~~d.e.~~ The Housing Authority may use a collection agency to collect debts owed.

~~e.f.~~ If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, the Housing Authority may terminate the assistance upon notification to the family and pursue other modes of collection.

D. Family Members

1. Live-In Aides

The Housing Authority may approve a live-in aide, in accordance with HUD regulations. The Housing Authority must receive written documentation from a medical professional, which verifies that a live-in aide is necessary for the well being of the family member needing the live-in aide. The live-in aide must sign a form verifying that they acknowledge the following:

- a. A live-in aide resides with the family for the sole purpose of providing necessary care and supportive services to the disabled or elderly family member(s).
- b. A live-in aide is not considered a member of the family and is not entitled to any form of HCV rental assistance benefits

One additional bedroom will be allotted for the live-in aide. A live-in aide's family members may reside in the unit with the live-in aide as long as their presence does not overcrowd the unit (more than two persons per sleeping/living space).

The Housing Authority will not approve a person as a live-in aide if the requested person is a family member of the current household.

2. Foster Persons

- a. Foster persons temporarily out of the home of the assisted family: For purposes of subsidy standards determination, a foster person who is out of the home will be considered to be 'temporarily out of the home' if the foster care placement agency responsible for the person's placement can provide verification that there is a reasonable expectation that the person will be returned to the home within six months of the date the determination is being conducted.
- b. Foster persons living with the assisted family: Foster persons may be allowed to live with the assisted family if the addition of the foster persons does not create the condition of overcrowding. Payments received by the family for the care of foster children or foster adults are not counted in family income if the foster person is placed in the home by a foster care custodial agency and payments are made by the foster care placement agency responsible for the person's placement.

3. Co-Head

If an adult family member signs the application form or certification / recertification form as the co-head of the family, that person will be designated as co-head of the family. Also, if a head of household has a child in common with another adult in the home, the other adult will be designated as co-head of the family.

4. Verification of Social Security Number

An original social security card or written verification from the Social Security Administration office verifying a member's social security number must be provided for all household members. If a social security card is not available or unable to be copied, a receipt showing that a duplicate card has been requested will suffice until the duplicate card is issued. In this instance, written verification from the Social Security Administration office verifying a member's social security number must be provided. Additional verifications may include a copy of a Medi-cal or Medicare card, if the social security number is evident on the card or written verification from another government agency. If an applicant household member under the age of six (6) does not have a Social Security Number (SSN), the applicant family will have 90 days from the date of admission to provide written verification of the SSN for the family member under the age of six (6). In the case of a foster child, a signed and dated letter from the foster care agency verifying the social security number can be provided as evidence.

E. Family Self-Sufficiency

The Housing Authority will operate a Family Self-Sufficiency Program (FSS) in accordance with a HUD approved Action Plan. Families who choose to participate in the FSS program must be current participants in the HCV program, and will be bound by the regulations of both programs.

The Housing Authority will not terminate a family's assistance in the HCV program solely due to the family's failure to meet its obligations under the Family Self-Sufficiency program.

The FSS Action Plan is included as Attachment C and is available to Shasta County residents only.

F. Termination of Assistance

HUD regulations specify grounds for the mandatory termination of assistance. In addition, if a family violates any obligation listed on the 'Family Obligations' form or the obligations listed on the HCV Voucher, they may be terminated from the HCV program. (See Attachment B.)

If a family vacates an assisted unit while an owner eviction process is taking place, but before a court decision is made, termination of assistance may occur. The Housing Authority will base its decision regarding termination of eligibility on the preponderance of evidence surrounding the eviction and tenant compliance with Family Obligations.

The Violence against Women Act (VAWA) prohibits Housing Authorities from terminating housing assistance and/or tenancy for a family participating in the HCV program due to actual or threatened domestic violence, dating ~~violence or stalking~~ violence, sexual assault or stalking. (See Attachment F and G.)

The termination notice will include the effective date of termination of HCV assistance, a description of the specific reasons for the termination and will include copies of any documents, which support the reason for the termination. The termination notice will also include the information necessary for the family to file for an informal hearing regarding the termination of assistance, if they wish to do so.

In accordance with 24 CFR 982.553 (c) of the Federal Register, where the Housing Authority has the authority to determine denial or termination of benefits based on criminal activity, the Housing Authority will base its decision on a preponderance of the evidence, regardless of whether the household member has been arrested or convicted for such activity.

Note: The Housing Authority may consider the following factors when making its decision to terminate assistance: The seriousness of the case, especially with respect to how it would affect other nearby residents, the effects that termination of assistance may have on other members of the family who were not involved in the action or inaction, the extent of participation or culpability of individual family members.

In this case, termination may be avoided if the Housing Authority determines that it is feasible for the offending household member to vacate the unit, as a condition of continued assistance. The head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon Housing Authority's request.

A Housing Authority may terminate HAP contracts if the Housing Authority determines, in accordance with HUD requirement, that program funding is insufficient to support continued assistance for families in the program. In the event that it is determined that insufficient funding is available to support all families in the HCV program, the Housing Authority will terminate HAP contracts, as needed to meet funding constraints, in order as follows:

1. Households living in units within a housing complex that receives or received either direct or indirect government subsidies used to finance the development or ongoing operation of affordable rental housing units for low-income households, in order by last in, first out.
2. Non-disabled, non-elderly households without minor children in order by last in, first out.
3. Non-disabled, non-elderly households with minor children in order by last in, first out.

Those families terminated from the program for this reason will have their name added to the HCV wait list, with priority, according to their original wait list application date, so that assistance can be offered to the family once funding does become available. At that time, continued eligibility will be determined in order to ensure they remain eligible to receive assistance, according to HUD regulations and Housing Authority policies. In this situation, the families will be added to the wait list whether or not the wait list is open for application at the time.

G. Informal Hearing

When the Housing Authority takes an action for which a hearing can be requested, the family will be notified in writing of their right to request an informal hearing. The family must request the

hearing, in writing, which must be received or post-marked within ten calendar days of the date of the termination letter. Housing Authority informal hearing procedures are described in Attachment E. Only the following Housing Authority determinations are subject to a hearing.

1. Family income and the use of that income to compute the housing assistance payment;
2. Appropriate utility allowance from the Housing Authority utility allowance schedule;
3. Family unit size under the Housing Authority subsidy standards or denial to an exception to subsidy standards;
4. Termination of assistance for a participant family because of the family's action or failure to act;
5. Family's absence from their assisted unit for longer than allowed under Housing Authority policy and HUD rules.

SECTION VII.

DETERMINATION OF SUBSIDY AND RECERTIFICATION OF INCOME AND ELIGIBILITY

A. Determination of Family Contribution and Housing Assistance Payment

1. Maximum Subsidy: In accordance with HUD regulations, the maximum subsidy for a unit is determined by deducting the total tenant payment for the family from the gross rent of the unit or the appropriate payment standard, whichever is less. The total tenant payment is the greatest of 10% of the family's gross monthly income, 30% of the family's adjusted monthly income or the minimum rent.
2. Family Share of rent: In accordance with HUD regulations, the family pays the difference between the contract rent and the maximum subsidy. The family may not pay more than 40% of adjusted monthly income to rent and estimated utilities at initial leasing.

B. Minimum rent

HUD regulations provide that the Housing Authority shall implement a minimum rent of zero to \$50. The minimum rent set by the Housing Authority is \$50.00.

Exemption: If a family is unable to pay the family share of rent due to a financial hardship as described below, they may request an exemption, in accordance with HUD regulations. A request for an exemption must be supported by written documentation of the hardship. A hardship may be temporary or long-term. Temporary hardship is defined as a financial hardship that is expected to last 90 days or less. Long-term hardship is defined as a financial hardship that is expected to last more than 90 days.

Financial hardship includes the following:

1. The family has lost eligibility for, or is waiting for an eligibility determination for a Federal, State or local assistance program;
2. The family would be evicted because it is unable to pay the minimum rent;
3. The income of the family decreased due to change in circumstances including loss of employment, death in the family or other circumstance determined by the Housing Authority to be out of the family's control.

C. Payment Standard

In accordance with HUD regulations, the Housing Authority may establish the payment standard amount for a unit at any level between 90-110% of the HUD-published Fair Market Rent for that unit size.

At least annually, the Housing Authority payment standard will be evaluated to determine if an adjustment is necessary. The Housing Authority will give local market factors consideration in determining the need for adjustments. Factors will include but are not limited to: local contract rents, estimated utility costs, average time for finding eligible housing, rent reasonableness data, the local vacancy rate as well as program funding.

Any adjustments to Housing Authority Payment Standards will be made in accordance with HUD regulations.

D. Certifications / Recertification

All information regarding all household income will be verified at initial admission to the program, at interim recertifications, as needed, and at annual recertifications. All income calculations are projected on an annual basis. However, if the Housing Authority determines that there is a substantial fluctuation in family income, the Housing Authority may re-verify and re-compute income on a quarterly basis until the situation stabilizes. Quarterly evaluations of income may also occur for families who report no income or whose maximum family contribution exceeds 85% of adjusted household income.

1. Interim Recertification

The family's eligibility will be recertified when a change of family income and/or family composition is reported and verification is provided by the family or is determined by the Housing Authority to have occurred.

a. Increase to family income only (no change to household composition):

- 1) Changes to the family's total tenant payment of \$100.00 or less due solely to an increase in family income will not result in an amendment to Contract and Lease until the family's next annual recertification. However, if a family requests in writing that the shares of rent be adjusted, an adjustment will be made.
- 2) If the family reports and provides verification that there has been an increase in family income which causes the total tenant payment to increase more than \$100.00 per month, an amendment to family share of rent will be made.
- 3) If a full-time student has turned 18 years old since the last annual recertification, any income earned by that student which could affect the shares of rent will not be considered until the next annual recertification. Consequently, the income earned by the student between the 18th birthday and the first annual recertification after the 18th birthday will not be considered undetected income.

b. Decrease to family income:

If the family reports and provides verifications that there has been a change in family income, which causes the family share of rent to decrease, an amendment to family share of rent will be made effective the first of the month following the receipt of verifications needed to determine the new shares of rent. If a decrease is reported and verified change is provided to the Housing Authority by the twenty-fifth of the month, staff will process the decrease in the family share of rent effective the first of the next month.

c. Changes to household Composition

Changes to the family's household composition will result in an interim amendment, regardless of the change in amount of total tenant payment.

2. Annual Recertification

An annual recertification of family income, composition and circumstances will be performed at least once during each twelve-month period, in accordance with HUD regulations. This applies to all program participants without exception.

3. Notification Procedures

Shasta County Housing Authority will give the family at least one month written notice of any future increase in the family's share of rent as a result of an annual or interim reexamination as long as all aspects of the reexamination are completed by the tenant and/or landlord in a timely manner.

However, if Shasta County Housing Authority determines that the family or the owner, by their action or inaction, has delayed the reexamination process, Shasta County Housing Authority will, without advance notice, implement any increase in the family's TTP resulting from the reexamination, retroactively to the following effective date:

- a. Annual reexamination: The family's anniversary date;
- b. Interim reexamination: The first day of the month following the month in which the family provides information regarding income, assets, and expenses. In this event, the family may owe the Housing Authority for overpayments made due to the tenant-caused delay of reexamination of family income. The number of months of overpayment is determined based on when the interim amendment would have been initiated had the HA known of the increase in income in a timely manner versus when the interim amendment was actually initiated.

Any overpayments must be reimbursed to the Housing Authority or termination of assistance may result. (See Section VI, B., 3.)

SECTION VIII.

MAINTAINING CONTRACTUAL RELATIONSHIP WITH OWNERS

A Housing Authority representative will explain contract terms to the owner at the time the Housing Assistance Payment contract is signed. Prospective landlords must complete, sign and submit a Form W-9, Request for Taxpayer Identification Number (TIN), ~~-and-~~ Landlord Certification and a copy of the grant deed or other documentation demonstrating the prospective landlord is the owner of the unit to the Housing Authority to participate in the program. The owner's address must not be the same as the assisted unit. (The Housing Authority will not mail a payment to the owner at the participant's unit or P.O. Box address.) Contracts and leases will be negotiated with the landlords based on HUD regulations and requirements. A copy of the contract and lease will be sent to the landlord. A copy of the lease will be sent to the family.

All owners participating in the program will be required to maintain their units in decent, safe and sanitary condition. A monthly Housing Assistance Payment will be issued for units under a Housing Assistance Payment contract, for so long as the contract is in effect and the unit and owner remain in compliance with the contract.

A. Screening of Family

The Housing Authority does not screen the family for behavior or suitability as tenants. Such screening is the landlord's responsibility.

B. Information to Landlords

Upon request, the Housing Authority will provide the following information to a prospective landlord: the name and addresses of owners at the family's current and prior addresses, if known to the Housing Authority.

C. Encouraging Landlord Participation

The Housing Authority encourages landlord participation in the program. Landlords are provided with general information packets when inquiring about the program. Flyers informing landlords that they may contact the Housing Authority regarding any available units in the area, which may be available to program clients, are sent along with recertification packets. When landlords provide information regarding such units, the unit is added to an 'available units listing' which is maintained for the purpose of assisting eligible HCV families in locating housing. This list is only provided to families who have been issued a Voucher of eligibility.

D. Amount Owed to the Housing Authority by the Owner

An owner may owe money due to a Housing Authority overpayment. The owner will be responsible for repaying the Housing Authority for any overpayments made. The owner will be advised as to the method for repayment of any overpayment.

E. Denial of Owner Participation

HUD regulations require mandatory denial of owner participation when directed by HUD. This applies to owners subject to federal sanctions for violation of the Fair Housing Act or other federal equal opportunity requirements.

The Housing Authority may also choose to deny participation to owners who have committed fraud, bribery, or any other corrupt or criminal act with any federal housing program; who fail to pay state or local real estate taxes, fines, or assessments; or who have a history of practice of violating housing quality standards. Deliberate violation of program regulations for financial gain, such as collecting more rent from the family than authorized by the Housing Authority, may be grounds of denial of future owner participation. Landlords or owners who threaten or engage in abusive or violent behavior toward Housing Authority staff will be denied participation in the program.

When the Housing Authority decides not to execute HAP contracts with an owner, the decision affects only prospective (future) contracts. Participants residing in units belonging to the identified owner will not be asked to move solely because of a decision to disapprove the owner. If there is a change in ownership during the term of the HAP Contract, the Housing Authority will process the change after the new owner has been verified and approved by the Housing Authority.

F. Expanding Housing Opportunities

The Shasta County Housing Authority implements an Equal Opportunity Plan which details the Housing Authority's efforts to increase housing opportunities to low-income families. One of the objectives of the Plan is to promote greater housing opportunities for families outside areas of low income and minority concentration.

1. The Shasta County Housing Authority jurisdiction for administering the Housing Choice Voucher program includes: the unincorporated areas within Shasta County, the cities of Anderson and Shasta Lake in Shasta County and the counties of Modoc, Siskiyou, and Trinity.
2. The Housing Authority considers census tracts with poverty rates exceeding 20% to be areas of poverty concentration. Due to the low percentage of minority populations in the Housing Authority jurisdiction, the Housing Authority has no areas it considers to be an area of minority concentration.

SECTION IX.

ADMINISTRATIVE FEE RESERVE

A. Required Use

The Administrative Fee Reserve will be used to pay program administrative expenses that exceed program receipts for the Housing Authority fiscal year.

B. Other Permitted Use

If funds in the Administrative Fee Reserve are not needed to cover Housing Authority program administrative expenses to the end of the last expiring funding increment under the consolidated annual contributions contract, the Housing Authority may use these funds for other housing purposes permitted by Federal, State, and local law.

C. Threshold Expenditures

The maximum amount of expenditures that the Housing Authority may charge against the Administrative Fee Reserve for other housing purposes, without prior approval of the Board, is set at \$100,000 during any one fiscal year. Such expenditures must be appropriately budgeted by the governing body.

SECTION X.

DEFINITIONS: Definitions of terms are as follows. If at any time, any definition below becomes or is determined to be inconsistent with HUD definitions, HUD definitions apply.

Adult: Person of age 18 or older, or legally emancipated with the capacity to enter into a contract in accordance with State and local law.

Applicant: A family or individual that seeks rental assistance under the program.

Bedroom:

- (a) The determination will be based on the characteristics of the unit rather than the characteristics of the family. The use of the room will not be a consideration in determining the room type.

- (b) A room will be classified as a bedroom if it was designed for use as a bedroom and if it meets the HQS criteria for a living/sleeping room.

Child: Person of age 17 or younger, who is not legally emancipated.

Co-head: A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Continually assisted: A family is considered to be "continuously assisted" if the family is already receiving assistance from a Federal Housing Program when admitted to the Voucher Program.

Dependent: A family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student.

Family: The term "family" includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (a) A single person, who may be an elderly person, involuntarily displaced person, disabled person, near-elderly person or any other single person; or
- (b) A group of persons residing together and such group includes, but is not limited to:
 - (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - (ii) An elderly family;
 - (iii) A near-elderly family;

- (iv) A disabled family;
- (v) A involuntarily displaced family; and
- (vi) The remaining member of a tenant family. Disabled family means a family whose head (including co-head), spouse or sole member is a person with a disability. Elderly family means a family whose head (including co-head), spouse or sole member is a person who is at least 62 years of age.

Foster Person: Person who is in the legal guardianship of a State, county, or private adoption or foster care agency, yet are cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

Gross rent: The contract rent plus the utility allowance factor.

Head of Household: The head of household is the adult member of the household who is designated by the family as head and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law may be designated as head of household.

Homelessness: A person or family who lacks a permanent, regular, adequate nighttime residence, or has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), or an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not ordinarily used as a sleeping accommodation for human beings. A homeless family does not include anyone imprisoned or detained pursuant to Federal, State, or local law or an Act of Congress.

Household: A household is comprised of the assisted family unit and all other members who have been approved by the Housing Authority to live with the family. While live-in aides, foster children and foster adults all may qualify as household members, they are not considered part of the family unit, and therefore are not entitled to benefits under the program.

Housing Quality Standards: The minimum quality standards for housing assisted under the Housing Choice Voucher program.

Involuntarily displaced family: Families who have 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.

Medical Expenses: The Housing Authority will define medical expenses consistent with the Internal Revenue Service (IRS) definition, per IRS Publication 502, "Medical and Dental Expenses (Including the Health Coverage Tax Credit).

Participant: A family receiving rental assistance under the HCV program.

Payment Standard: In accordance with HUD regulations, the payment standard for the family is the lesser of the payment standard allocated to the family based on family composition (subsidy

standards) or the payment standard for the size of the unit selected.

Preponderance of Evidence: A preponderance of evidence is evidence that is of greater weight or more convincing than the evidence that is offered in opposition; it is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence. Violent criminal activity means 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.

Priority within Rank: Priority among families of equal rank will be determined by date and time of application. In addition, the Housing Authority may designate other local priorities that take precedence over chronology.

TTP: The total tenant payment is the greatest of 10% of the family's gross monthly income, 30% of the family's adjusted monthly income or the minimum rent.

Utility Allowance: In accordance with HUD regulations, a utility allowance schedule is maintained for purposes of establishing the estimated utility costs for utilities and services that are necessary to provide housing that complies with Housing Quality Standards. Revisions to the utility allowance schedule are made according to HUD regulations and requirements.

Visitor: A person(s) who is not a household member, who does not exhibit a pattern of inhabiting the unit on a regular basis and can provide verification of permanent housing elsewhere.

SECTION XI.

ATTACHMENTS

The following attachments outline Housing Authority policies and procedures, and are a part of this Administrative Plan:

- A. Family Unification Program Action Plan
- B. Family Obligations
- C. Family Self-Sufficiency Action Plan
- D. Criminal Activity Policy
- E. Informal Hearing Procedure
- F. Violence against Women Act
- ~~F.~~G. Shasta County Housing Authority Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- ~~G.~~H. Veterans Affairs Supportive Housing
- ~~H.~~I. Code of Conduct
- ~~I.~~J. Furthering Fair Housing

VAWA: Violence against Women Act

The Violence against Women Act (VAWA) prohibits Public Housing Authorities (PHA) and owners from terminating housing assistance and/or tenancy for a family participating in the Housing Choice Voucher program due to actual or threatened domestic violence, dating ~~violence~~ violence, sexual assault or ~~or~~ stalking.

Rights as a Tenant:

- Not to have tenancy or occupancy rights terminated by an owner on the basis of actual or threatened domestic violence, dating violence, ~~or stalking~~ sexual assault or stalking if the tenant or an affiliated individual ~~an immediate member~~ of the tenant family is the victim.
- Not to have program assistance terminated by a PHA on the basis of actual or threatened domestic violence, dating violence, ~~or stalking~~ sexual assault or stalking if the tenant or an ~~immediate member~~ affiliated individual of the tenant family is the victim.
- Not to be denied a move under portability if the tenant has moved out of the assisted unit in violation of the lease to avoid harm from actual or threatened domestic violence, dating violence, ~~or stalking~~ sexual assault or stalking.
- To confidentiality “and the limits thereof” if the victim provides certification of domestic violence, dating violence, ~~or stalking~~ sexual assault or stalking.

Other Important Facts:

VAWA permits PHAs and owners to request that victims attest to their status by signing a HUD-approved certification form. VAWA also states that a victim may satisfy the requirement of certification by submitting instead one or two alternative types of documentation:

- A local police or court record
- Documentation signed by a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating ~~violence, or stalking~~ violence, sexual assault or stalking. The signer must attest under penalty of perjury (1) that the abuse the victim has suffered is a bona fide incidence of domestic violence, dating violence, ~~or stalking~~ sexual assault or stalking and (2) that the victim has signed or approved the documentation.

If the PHA or owner requests certification and the victim fails to provide it within the time allotted by a PHA or an owner, the victim is no longer entitled to the special protection from eviction or termination.

The protections afforded to a tenant by VAWA are not absolute – meaning that there are circumstances when termination of assistance/tenancy may be allowed. This would include a termination for reasons other than an act of domestic violence or when “an actual or imminent threat to other tenants or persons at or providing services to the property exists”.

If the perpetrator is a member of the victim’s household, the PHA or owner has the right to require that the perpetrator leave the household as a condition of continued assistance/tenancy for the rest of the family. PHAs and owners may “bifurcate” the lease, or divide it in two parts, in order to take action against the perpetrator without penalizing the victim.

More information on VAWA can be found at the following website: <http://www.usdoj.gov/ovw/regulations.htm>.

Shasta County Housing Authority
...serving Modoc, Shasta, Siskiyou and Trinity Counties

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Shasta County Housing Authority
Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual
Assault, or Stalking

Emergency Transfers

The Shasta County Housing Authority (SCHA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ SCHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of the SCHA to honor such request, for current tenants on the Housing Choice Voucher program, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and whether the tenant is current on the obligations of the family in the housing choice voucher program.

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

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

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

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall submit a written request to the housing authority. The tenant's written request for an emergency transfer should include either:

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

Confidentiality

The Shasta County Housing Authority will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless 1) the tenant gives the SCHA written permission to release the information on a time limited basis 2) disclosure of the information is required by law. Confidentiality includes keeping confidential the new location of the dwelling unit of the tenant from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about SCHA responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

The Shasta County Housing Authority cannot guarantee that a request for a voucher to move will be approved or how long it will take to process the request. SCHA will act as quickly as possible to issue a voucher to a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking.

The SCHA will assist the tenant in identifying housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the SCHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are listed in this plan.

Nothing in the emergency transfer plan may be construed to supersede any eligibility or other occupancy requirements that may apply under the housing choice voucher program.

Safety and Security of Tenants

Pending processing of the paperwork to issue a voucher, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Local Organizations: Local organizations assisting victims of domestic violence, dating violence, sexual assault, or stalking:

- One Safe Place 530-244-0118, visit them in person at 2250 Benton Dr., Redding, CA 96003 or online at <https://ospshasta.org/>.
- Crime Victim Assistance Center 530-245-6300, visit them in person at 1355 West St., Redding, CA 96001 or online at http://www.co.shasta.ca.us/index/da_index/vwp_index.aspx.

**NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMENS ACT (VAWA)
FOR ~~HOUSING CHOICE VOUCHER APPLICANTS AND TENANTS~~ ~~REGARDING THE VIOLENCE
AGAINST WOMEN ACT (VAWA)~~**

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, or stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your rights under VAWA.

Protections for Victims If you are eligible for a Section 8 voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault, or stalking.

If you are the victim of domestic violence, dating violence, sexual assault, or stalking, you cannot be denied assistance, terminated from the Section 8 program or evicted based on acts or threats of violence committed against you. Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights solely on the basis of criminal activity relating to that domestic violence, dating violence, sexual assault or stalking. ~~criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.~~

Reasons You Can Be Evicted You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking The housing authority and your landlord can ask you to prove or “certify” that you are a victim of domestic violence, dating violence, sexual assault, or stalking. The housing authority or your landlord must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence. You are only required to provide the name of the abuser if it is safe to provide and you know their name.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing “under penalty of perjury.”
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

Board Report Attachment

Page 48 of 48

Confidentiality The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

VAWA and Other Laws VAWA does not limit the housing authority's or your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

For Additional Information

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (42 U.S.C. 13925(a)).

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others, or; (2) Suffer substantial emotional distress. (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

SHASTA COUNTY HOUSING AUTHORITY

...serving Modoc, Shasta, Siskiyou and Trinity Counties

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