

## Housing Authority of the County of San Bernardino

### Housing Services Program Administrative Plan

Revised: ~~November 2018~~ August 2019

#### **1.5 Housing Services Programs**

The purpose of the Housing Services program is to provide rental assistance to eligible families. The rules and regulations of the program are determined by HUD. The Housing Authority is afforded choices in the operation of the program which are included in the HACSB's Administrative Plan and the Housing Authority's MTW Plans.

##### ***1.5.1 Housing Services Program Overview***

The Housing Services program offers mobility to eligible families because they may search for suitable housing anywhere in the HACSB's jurisdiction and may also be eligible to move under portability to other jurisdictions.

When a family is determined to be eligible for the program and funding is available, the Housing Authority selects families to begin searching for a unit. When the family finds a suitable housing unit and funding is available, the Housing Authority will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent. Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The Housing Authority continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

To administer the Housing Services program, the Housing Authority enters into a contractual relationship with HUD. The Housing Authority also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit. For the program to work and be successful, all parties involved – HUD, the Housing Authority, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

##### ***1.5.2 Housing Services Program Types***

The Housing Authority administers five distinct types of Housing Services programs. All of the types, except for Term-Limited Lease Assistance, may be either tenant-based or project-based. Term-Limited Lease Assistance is only available in the tenant-based program.

- **Term-Limited Lease Assistance** – Participants in the Term-Limited Lease Assistance program execute a Family Obligations Agreement (FOA) with the

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Housing Authority.<sup>1</sup> Each participant receives five years of housing assistance as long as they remain compliant with the FOA and continue to remain eligible for the program. This program became effective for all new non-elderly/non-disabled, tenant-based participants on January 1, 2012, including the former Upland Housing Authority waiting list applicants who are pulled on or after July 1, 2017, and all port-in families, families exercising mobility through the Project-Based Voucher program, and non-legacy families in Rental Assistance Demonstration (RAD) units exercising mobility who are briefed on or after November 1, 2017.

- **Streamlined Fixed Lease Assistance for Elderly/Disabled Families** – Elderly/Disabled families who become participants after November 1, 2014 or were existing participants admitted to the program prior to November 1, 2014 and who have a recertification effective date of February 1, 2015 or later<sup>2</sup> will participate in the Streamlined Fixed Lease Assistance program.<sup>3</sup> This also applies to the former Upland Housing Authority (UHA) elderly/disabled families as a result of the voluntary transfer on July 1, 2017 with a recertification date of January 1, 2018 or later; future Plan references to Streamlined Fixed Lease Assistance families will also apply to these former UHA families. Each participant family has their income calculated based on gross income and receives no allowances or deductions. Rent is determined based on a set percentage of income throughout participation in the program.
- **Streamlined Tiered Lease Assistance for Career-Focused Families** – Existing participants who received assistance prior to January 1, 2012 and are not elderly/disabled households but who have a recertification effective date of February 1, 2015 or later are part of the Streamlined Tiered Lease Assistance for Career Focused Families program. This also applies to the former Upland Housing Authority (UHA) career focused families as a result of the voluntary transfer on July 1, 2017 with a recertification date of January 1, 2018 or later; future Plan references to Streamlined Tiered Lease Assistance families will also apply to these former UHA families. Each participant family has their income calculated on gross

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<sup>1</sup> The FY 2011 Moving to Work Annual Plan included Activity 20: Term-Limited Lease Assistance program.

<sup>2</sup> The recertification process for families with a February 1, 2015 or later effective date will be commenced in November, 2014.

<sup>3</sup> The FY 2013 Moving to Work Annual Plan included Activity 22: Streamlined Lease Assistance programs. The Streamlined Fixed Lease Assistance program serves elderly/disabled families and the Streamlined Tiered Lease Assistance program serves Career Focused Families. The Transitional Assistance for MTW Families results from the creation of this program to transition families who were on the program prior to the implementation of the Streamlined Programs into the applicable Streamlined Lease Assistance program.

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income and receives no allowances or deductions. Rent is determined based on an increasing percentage of income at each recertification.

- **Streamlined Fixed Lease Assistance for Career-Focused Families** – All non-elderly and non-disabled families admitted under the project-based voucher program and sponsor-based project-based voucher program after January 1, 2017, will participate in the Streamlined Fixed Lease Assistance for Career-Focused Families program.
- **Local Disaster Short-Term Rental Assistance Program** – Assistance through this program will be limited to families displaced as the direct result of a local disaster. A local disaster is an event that occurs within the County of San Bernardino and may include a natural disaster, an act of terrorism, or other event as determined by the Housing Authority. The qualification of a local disaster shall be declared by the Housing Authority through its governing board. The income and rental subsidy for this program shall align with the Streamlined Lease Assistance program methodologies. Except as otherwise specified in this policy, the policies for HACSB's Housing Choice Voucher Program shall apply to this program.
- Family Unification - The Family Unification Program (FUP) is administered in partnership with the San Bernardino County Department of Children and Family Services (DCS). Tenant-Based Voucher (TBV) rental assistance is provided to families for which the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children, to the family from out-of-home care. Applications from residents of San Bernardino County are referred through DCS. The income and rental subsidy for this program shall align with the Streamlined Lease Assistance program methodologies. Except as otherwise specified in this policy, the policies for HACSB's Housing Choice Voucher Program shall apply to this program.
- **Transitional Assistance for MTW Families** – Existing participants who are not Term-Limited Lease Assistance program participants, and who have a recertification effective date prior to February 1, 2015 will participate in the Transitional Assistance for MTW Families program until their next recertification, at which time they will transition to the Streamlined Lease Assistance program that they are determined to be eligible for. These participants are subject to HACSB rules that were implemented for MTW families. These specific rules will be noted in each Administrative Plan chapter. Each of these families will transition to the applicable Streamlined Assistance program at their next regularly scheduled recertification.

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- **Traditional, Regulatory Assistance for Special Purpose Programs** – Certain HUD programs are not eligible for inclusion in the Moving to Work Demonstration. These programs are administered in accordance with federal regulations and the specific criteria established by the special purpose program. HACSB's MTW Agreement and MTW Plans do not apply to any of these program types. These programs include:
  - **Veteran's Affairs Supportive Housing (VASH)** – Assists homeless veterans with severe psychiatric or substance abuse disorders. The Housing Authority and Veterans Administration Medical Center have partnered to provide rental voucher and supportive services to eligible veterans.
  - **Mainstream Five** – Provides rental assistance for persons with disabilities to enable them to rent suitable and accessible housing in the private market.
  - **Shelter Plus Care** – Provides rental assistance for hard to serve homeless persons with disabilities in connection with supportive services funded from sources outside the program.
  - **Housing Opportunities for People with AIDS (HOPWA)** – HACSB has partnered with the Foothill AIDS Project to offer rental assistance and supportive services to persons with HIV or AIDS.
  - **Master Leasing Program** – Funded by the State of California Mental Health, this program serves mentally ill or developmentally disabled families in a group home setting. Case management and comprehensive support services are provided for participants of this program.

### 1.6 Rules and Regulations

This Administrative Plan is set forth to define the Housing Authority's local policies for operation of the housing programs in the context of Federal laws and regulations. All issues related to the Housing Services program not addressed in this document are governed by the HACSB's MTW Agreement, MTW Plans, federal regulations, HUD memos, notices and guidelines, state and local laws, and other applicable laws. Applicable regulations include:

- CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

### *2.1.3.1.1 Mainstream Disability Vouchers*

Families will be selected from the general tenant-based voucher wait list based on their eligibility for the Mainstream program, wait list position (application sequence or lottery number), and applicable local preferences. Families may apply for assistance (by applying directly to the wait list or through a referral from a partner agency) at any time **when the tenant-based voucher wait list is open**. If the general tenant-based voucher wait list is closed and does not have enough applicants to fill the available funding, HACSB may open the wait list only to applicants who qualify for Mainstream Disability Voucher assistance.

### *2.1.3.2 Special Admissions*

Other special purpose programs are referral based and families may be admitted outside of the waiting lists and can be participants in either tenant-based or project-based programs. Families are admitted through special admissions processes for certain programs, including, but not limited to:

- Shelter Plus Care
- Housing Opportunities for People With AIDS (HOPWA)
- Veteran's Affairs Supportive Housing (VASH)
- No Child Left Unsheltered (NCLU)
- Sponsor-Based Project-Based Voucher programs that include referrals from a contracted supportive service partner and address special need and/or homeless populations
- Local Disaster Short-Term Rental Assistance Program<sup>6</sup>
- Family Unification Program (FUP)

The Housing Authority may also admit certain types of families outside the waiting list process. These families do not have to qualify for any preference, are not required to be on the program waiting list and are not required to be referred by an outside entity. The Housing Authority will maintain separate records of these admissions. The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

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<sup>6</sup> The FY 2017 Moving to Work Annual Plan, Amendment 1, included Activity 26: Local Disaster Short-Term Rental Assistance Program.

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- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multifamily rental housing project when HUD sells, forecloses, or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based contract at or near the end of the contract term; and
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- As part of a HUD approved MTW activity/program
- Participants that have utilized the Veterans Affairs Supportive Housing (VASH), Shelter Plus Care Program (S+C), or Housing Opportunities for People With Aids (HOPWA) for a 3 year term and that no longer require supportive services and are eligible to transition to a regular Housing Choice Voucher provided they meet all other eligibility requirements. Verification from the supportive services provider stating that supportive services are no longer needed is required.
- Young adults (18-21) who are participating in the Department of Children and Family Services Foster Care Aftercare Program, for a term up to three years through No Child Left Unsheltered.
- No Child Left Unsheltered Families, admitted on or after October 1, 2019, will transition to the Streamline Lease Assistance (elderly/disabled) or the Term-Limited Lease Assistance Program (career-abled families) at the conclusion of the initial two-year period.
- Families referred by HUD as part of a witness relocation program.

The Housing Authority may also provide assistance to the following types of families who were not on the waiting list:

- Displaced HACSB public housing residents
- Displaced participants from other housing authorities
- Disaster victims who are non-participants in any housing services programs at any housing authority
  - Families displaced as a result of federally declared disasters may receive preference over waiting list placeholders.



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### **2.1.4 Ports from Other Public Housing Authorities**

Under portability, families from other housing authorities may become participants in HACSB's Housing Services program. Families who port in from other housing authorities do not apply for the waiting list.

### **2.1.5 Transfers from Other HACSB Programs**

In order to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities, the Housing Authority may relocate a family that is a current participant in any HACSB subsidized housing programs, including but not limited to: Affordable Housing Program or Housing Services program, with a disabled head of household or family member, to another HACSB housing program. Examples include:

- There are no affordable housing units to accommodate the family's household size based on occupancy standards
- There are no ADA/504 units available to accommodate the family's needs (i.e., customized wheelchair exceeds normal dimensions, other specialized equipment needs, etc.)
- There are no affordable units/communities that meet a medically necessary restriction or requirement
- There is a significant, identified barrier to that participant in the private market to finding and securing stable private sector housing that meets their disability needs, including but not limited to ADA complaint and mobility accessible units.

### **2.2 Overview of the Initial Application Process [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]**

Any family that wants to receive Housing Services program assistance must apply for admission to the program. Families who wish to apply for the Housing Authority's tenant-based programs or project-based programs must apply electronically through the HACSB's authorized website when the waiting list is open. ~~and for project-based programs through a paper application that can be obtained at the community.~~ Applications will be made available in an accessible format for persons upon request.

The application process is comprised of two phases. The first phase is the initial application for assistance, which is also known as the pre-application. After completion of the pre-application, the Housing Authority will determine a household's placement or denial of placement on the waiting list.

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The second phase of the application process is the final determination of eligibility, also known as the full application. A household will be required to complete a full application when the family reaches the top of the waiting list. At this time the Housing Authority ensures that verification of all HUD and HACSB eligibility factors are current in order to determine the family's eligibility for the issuance of an assistance document to search for a unit.

### ***2.2.1 Opening of the Waiting List [24 CFR 982.206 and 982.54(d)(1)]***

The Housing Authority will advertise the opening of the waiting list through public notice in newspapers of general circulation, minority publications, and other media entities. This process shall not apply to the waiting list for the Local Disaster Short-Term Rental Assistance Program, which shall be open only to families referred by partnering agencies in the event of a locally declared disaster nor shall it apply to the waiting list for the Family Unification Program, which is open only to families referred by the DCS. The notice will contain:

1. The dates, times, and locations where the family may apply;
2. The Housing Authority telephone number and website address;
3. The program(s) for which applications will be taken;
4. A brief description of the program(s);
5. Information on eligibility requirements and the availability of preferences;
6. Any limitations on who may apply; and
7. The Fair Housing logo.

The notices will be made in an accessible format to persons with disabilities if requested. As a reasonable accommodation for a person with a disability, an additional ten (10) days may be given for submission of an application after the stated deadline if the request is received by the Housing Authority prior to the closing date.

The Housing Authority will also conduct outreach as necessary to ensure that the Agency has a sufficient number of applicants on the waiting list to use the resources it has been allotted. Because HUD requires the Housing Authority to serve a specified percentage of very low income families, the Authority may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21]. The Housing Authority outreach efforts must comply with fair housing requirements which include:



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- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

Housing Authority outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Notify other public and private agencies that serve the very low income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

The Housing Authority will monitor the characteristics of the population being served and the characteristics of the population as a whole in the Authority's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved. When the waiting list is open any family asking to be placed on the waiting list for tenant-based rental assistance will be given the opportunity to apply.

### ***2.2.2 Applying to the Waiting List [24 CFR 982.204 and 205]***

The Housing Authority will utilize a computerized pre-application form ~~by telephone or~~ through the Housing Authority ~~authorized website~~ Applicant Portal for ~~the tenant-based waiting list and a paper pre-application for all other lists~~ all waiting lists. Assistance will be provided as a reasonable accommodation for persons with a disability. The purpose of the pre-application is to permit the Housing Authority to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. A lottery process is applied to the tenant-based waitlist and HACSB will randomly select a number of pre-applications based on the estimated number of families that can be served within a three (3) to five (5) year timeframe. Project-based waitlist are accepted as long as the waitlist is open. The pre-application Information entered into the Applicant Portal must be completed by the applicant and will contain at least the following information:

- Applicant Name, including the names of all household members and personal date (i.e. social security number, date of birth, etc.)

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- Address
- Family-size Accessibility Needs
- Qualification for Veteran's Preference
- Racial or ethnic designation of ~~the head~~ of all household members
- Annual (gross) family income

Duplicate applications will not be accepted. ~~Pre-applications will not require an interview.~~ The information on the pre-application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified. At that time, HACSB will ensure that family is served under the appropriate program and make the required adjustment.

### ***2.2.3 Closing the Waiting List [24 CFR 982.206]***

The application period for the waiting list shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over a three (3) to five (5) year timeframe. The Housing Authority will give at least a ten (10) day public notice prior to closing the list. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws. This process shall not apply to the waiting list for the Local Disaster Short-Term Rental Assistance Program, which shall be open only to families referred by partnering agencies in the event of a locally declared disaster nor shall it apply to the waiting list for the Family Unification Program, which is open only to families referred by DCS.

### ***2.2.4 Eligibility for Placement on the Waiting List [24 CFR 982.201(f)]***

The Housing Authority will review each completed pre-application received and make a preliminary assessment of the family's eligibility. To be eligible for placement on the waiting list a household must:

- Meet HACSB's definition of a family.
- Be a citizen or noncitizen who has eligible immigration status as determined in accordance with 24 CFR part 5, subpart E. If the applicant is a victim of domestic violence, dating violence, sexual assault, or stalking, 24 CFR part 5, subpart L, applies.
- For the Local Disaster Short-Term Rental Assistance Program, the household must also have been referred to HACSB by a partnering agency as a family displaced from housing as the direct result of a locally declared disaster.

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- For the Family Unification Program, the household must also have been referred to HACSB by DCS.

When a family is determined to be ineligible, the Housing Authority will notify the family in writing.

The Housing Authority will randomly select a number of pre applications based on the estimated number of families that can be served within a three (3) to five (5) year timeframe. When a family is eligible and selected as part of the randomized process for placement on the waiting list, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Housing Services program.

### 2.2.4.1 Ineligible for Placement on the Waiting List

If the Housing Authority can determine from information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the Housing Authority will send a written notification of the ineligibility determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review as well as the process for requesting an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation.

### 2.2.4.2 Eligible for Placement on the Waiting List

The Housing Authority will send a written notification to all households selected for placement on the waiting list. Placement 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. ~~Tenant-based~~ Selected applicants are randomly assigned a lottery number. Applicants will be placed on the waiting list in order of their assigned lottery number and according to the Housing Authority's preference. Project-based applicants are placed on the waiting list based on specified preferences followed by date/time of the pre-application.

### 2.2.5 Method for Placement on the Waiting List

The Housing Authority will use a lottery system to select and place families on the waiting list. Applications will be accepted for a designated period of time as specified in the announcement notice. After applications are no longer being accepted, the Housing

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Authority will take applications that are submitted and randomly assign a lottery number to each application. The number of applicants selected for the list will be based on the number of families required to achieve a waiting list adequate to cover the next three (3) to five (5) years.

### **2.2.5.1 Local Disaster Short-Term Rental Assistance Program**

The Housing Authority will determine prioritization of placement for eligible families on the wait list for this program based on the nature of the locally declared disaster. Criteria for determining prioritization may include, but are not limited to: the availability of funds to support the issuance of vouchers under this program, targeting to extremely low-income and very low-income families, and other circumstances related to the displacement of the family.

### **2.2.5.2 Family Unification Program**

The Housing Authority will determine prioritization of placement for eligible families on the wait list for this program based on the order of referral from DCS. Criteria for determining prioritization may include, but is not limited to the availability of funds to support the issuance of vouchers under this program.

### **2.2.6 Change in Applicant Circumstances**

Applicants are required to inform the Housing Authority in writing of changes in address. Applicants are also required to respond to requests from the Housing Authority to update information on their pre-application and to determine their continued interest in assistance.

### **2.2.7 Removal from the Waiting List and Purging [24 CFR 982.204]**

The Housing Authority may request each applicant to respond to a request for current information and/or confirmation of continued interest to ensure that the waiting list is current and accurate. The Housing Authority is authorized to remove the names of applicants who do not respond to requests for information or periodic updates. An applicant who fails to respond to a Housing Authority mailing within the time frame indicated will be removed from the waiting list without further notice. An extension may be considered as a reasonable accommodation if requested in advance by a person with a disability. Notices will be made available in accessible format upon the request of a person with a disability.

The family's response must be in writing and may be delivered in person, by mail, or by fax. Responses should be postmarked or received by the HACSB no later than the due

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as “extremely low-income families.” The Housing Authority will admit families who qualify under the extremely low-income limit to meet the income targeting requirement, regardless of preference.

The Housing Authority’s targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act. The Housing Authority is also exempted from this requirement where the Housing Authority is providing assistance to low or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

### **2.2.8.2 Comparable Mix [Moving to Work Standard Agreement]**

The Housing Authority may also target families on the waiting list in order to meet the terms of its Moving to Work Agreement with HUD. The Housing Authority is required to, “maintain a comparable mix of families by family size, as would have been served or assisted had the amounts not been used under the demonstration.”

### **2.2.8.3 Wait List Preferences**

HACSB will select applicants from the waiting list using the local admission preferences described in the following sections.

#### **2.2.8.3.1 Veteran Preference**

As required by California Health and Safety Code (§34322.2), HACSB will give priority to families of veterans and servicemen within each preference category.

#### **2.2.8.3.2 Disabled At-Risk Preference**

HACSB will give a preference to non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.

Homeless is defined as lacking a fixed or regular nighttime residence, and either 1) having a primary nighttime residence that is a supervised publically or privately-operated shelter designed to provide temporary living accommodation, or 2) residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

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At risk of becoming homeless is defined as being in receipt of a judgement for eviction, as ordered by the court.

This preference applies to the Mainstream 811 program only and is limited to 55 vouchers.

### ***2.2.9 Verification of Preferences***

Any preference claimed on the pre-application or while the family is on the waiting list will be verified in accordance with the Housing Authority's verification policies after the family is selected from the waiting list and prior to completing the full application described in this Chapter. The qualification for the preference must exist at the time the preference is claimed and at the time of verification because a claim of preference determines placement on the waiting list. If the Housing Authority denies a preference, the Housing Authority will notify the applicant in writing of the reasons why the preference was denied and return the applicant to the waiting list without the benefit of the preference. Families who are returned to the waiting list for not meeting the claimed preference are not entitled to an informal review as they have not been found ineligible. . Applicants may exercise other rights if they believe they have been discriminated against.

### **2.3 Completion of a Full Application and Required Initial Eligibility Interview [HCV GB, p. 4-16]**

After an applicant is selected from the waiting list, and any preference is verified (if applicable), a full application will be mailed to the applicant in advance of a required interview for completion. All adult members of an applicant's household will be required to participate in a full application interview with a Housing Authority representative. During this interview, the household will be required to furnish complete and accurate information verbally as requested by the interviewer.

The Housing Authority uses the full application and eligibility interview to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other Housing Authority services or programs which may be available.



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### **3.11.1 Term-Limited Lease Assistance**

All applicants after January 1, 2012, who are not elderly or disabled families are required to participate in the Term-Limited Lease Assistance program. All port-in families, families exercising mobility through the Project-Based Voucher program, non-legacy families in Rental Assistance Demonstration (RAD) units exercising mobility who are briefed on or after November 1, 2017, or as soon as practicable thereafter, and the former Upland Housing Authority waiting list applicants who are pulled on or after July 1, 2017, are required to participate in the Term-Limited Lease Assistance Program. No Child Left Unsheltered (career-abled) families admitted on or after October 1, 2019, will transition to the Term-Limited Lease Assistance Program at the conclusion of the initial two-year period. Exceptions to this policy may be made for families exercising portability or mobility through a VAWA accommodation. For the purpose of this program, a non-elderly family is one in which the head of household, spouse or co-head is fifty-six (56) years of age or younger. A non-disabled family is one in which the head of household, spouse or co-head is not disabled.

### **3.11.2 Streamlined Fixed Lease Assistance for Elderly/Disabled Families**

All elderly/disabled applicants for Housing Services programs (excluding Term-Limited Lease Assistance eligible families) who are selected from the waiting list after February 1, 2015, including incoming portability households for which HACSB bills the initial PHA, and elderly/disabled families admitted under the No Child Left Unsheltered program criteria, admitted under the sponsor-based project-based voucher program criteria, or former Upland Housing Authority elderly/disabled families transferred through the HUD approved voluntary transfer on July 1, 2017 will participate in the Streamlined Fixed Lease Assistance for Elderly/Disabled families program. For the purpose of this program, an elderly family is one in which the head of household, spouse or co-head is fifty-seven (57) years of age or older. A disabled family is one in which the head of household, spouse or co-head is disabled.

All currently assisted elderly and disabled participants in the Transitional Assistance for MTW Families program who have a recertification effective date of February 1, 2015, or later, will participate in the Streamlined Fixed Lease Assistance for Elderly/Disabled Families program as of their recertification date.

### **3.11.3 Streamlined Tiered Lease Assistance for Career-Focused Families**

All currently assisted non-elderly and non-disabled participants in the Transitional Assistance for MTW Families program who have a recertification effective date of February 1, 2015, or later, including current incoming portability families for which HACSB

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bills the initial PHA, families assisted under the No Child Left Unsheltered program criteria (admitted prior to October 1, 2019), families assisted under the sponsor-based project-based voucher program criteria, current project-based voucher participants, and , or former Upland Housing Authority career focused families transferred through the HUD approved voluntary transfer on July 1, 2017 will participate in the Streamlined Tiered Lease Assistance for Career Focused Families program as of their recertification date.

### ***3.11.4 Streamlined Fixed Lease Assistance for Career-Focused Families<sup>7</sup>***

All non-elderly and non-disabled families admitted under the project-based voucher program and sponsor-based project-based voucher program after January 1, 2017, will participate in the Streamlined Fixed Lease Assistance for Career-Focused Families program. Current project-based voucher and sponsor-based voucher participant families who no longer qualify for Streamlined Fixed Lease Assistance for Elderly/Disabled Families program after January 1, 2017, will participate in the Streamlined Fixed Lease Assistance for Career-Focused Families program as of their recertification date.

### ***3.11.5 Transitional Assistance for MTW Families***

Participants in the Housing Services program (excluding Term-Limited Lease Assistance and Traditional Regulatory Special Purpose programs) that have a recertification effective date prior to February 1, 2015, participate in the Transitional Assistance for MTW Families program until their next regularly scheduled recertification at which time they will transition to the Streamlined Lease Assistance program that they are determined to be eligible for.

### ***3.11.6 Traditional, Regulatory Assistance for Special Purpose Programs***

The Special Purpose programs program described in this section are administered in accordance with federal regulations and the specific criteria established by the special purpose program. Some of the eligibility criteria described in this Chapter, such as certain criminal background requirements, may be different for participants in these programs. A description of each program, including certain eligibility criteria, is provided below:

#### ***3.11.6.1 Shelter Plus Care***

The Shelter Plus Care Program was developed by the Housing Authority in cooperation with the County of San Bernardino Department of Behavioral Health (DBH) to provide decent housing and long-term mental health services to mentally ill participants and their families. Applicants are referred by DBH and must cooperate with supportive service providers in order to maintain their eligibility for the program. DBH utilizes a network of

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<sup>7</sup> HACSB's 2016 MTW Plan included revisions to Activity 22: Streamlined Lease Assistance, to add Streamlined Fixed Lease Assistance for Career-Focused Families.

## **CHAPTER 5: SUBSIDY STANDARDS**

### **5. Introduction**

HUD guidelines require that Housing Authority establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of Housing Authority's inspection standards. This chapter explains the subsidy standards which will be used to determine the assistance size for families when they are selected from the waiting list, as well as the Housing Authority's procedures when a family's size changes or a family selects a unit size that is different from the assistance size issued.

#### **5.1 Determination of Subsidy Standard [24 CFR 982.402]**

Applicants and participants of the Housing Services program are issued a document that allows them to search for a unit. This assistance document is known as the Family Obligations Agreement for the Term-Limited Lease Assistance program and the Streamlined Lease Assistance programs. The document is known as a Voucher for the Transitional Assistance for MTW families and the Traditional, Regulatory Assistance for Special Purpose program families. Each document indicates what the authorized bedroom size for assistance is, and this is known as the subsidy standard.

The subsidy standard and determination of bedroom size are based upon the number of family members who will reside in the assisted dwelling unit. All standards in this section relate to the number of bedrooms on the assistance document, not the family's actual living arrangements. The unit size on the assistance document remains the same as long as the family composition meets the guidelines for the same unit size.

As required by federal regulations, the Housing Authority's subsidy standards shall provide for the smallest number of bedrooms needed to house a family without overcrowding. They will be applied consistently for all families of like size and composition, in a manner consistent with fair housing guidelines and inspection standards. All children anticipated to reside in a dwelling unit will be included, as members of the household. This may include children expected to be born to an applicant/participant, children who are in the process of being adopted by an applicant/participant, or children whose custody is being obtained by an applicant/participant.

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The Housing Authority will assign one bedroom to two people, regardless of gender, age or relationship of family members, within the following guidelines:

- Foster children will be included in the determination of unit size only if they will be in the unit for more than twelve (12) months.
- Live-in aides will generally be provided a separate bedroom. No additional bedrooms are provided for the aide's family.
- Space may be provided for a dependent who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member, other than a spouse or co-head who will be absent most of the time, such as a member who is away in the military.
- Single person families shall be allocated one bedroom.
- If the family decides to move or is required to move, the subsidy standard will be based on the family's current composition and applicable agency standards.
- Alternative occupancy standards have been established that will permit certain project-based units to be occupied with up to two persons per bedroom. This flexibility will potentially allow a family leasing a project-based unit to be overhoused by occupying a larger unit than would normally be permitted under occupancy standards. Utilization of the alternative standards is on a case-by-case basis and requires Housing Authority Approval. Refer to Chapter 20: Project-Based Assistance Program, 20.12.1. Alternative Occupancy Standards.

GUIDELINES FOR DETERMINING SUBSIDY STANDARD		
Subsidy Standard	Minimum Persons in Household	Maximum Persons in Household
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	6	8
5 Bedrooms	8	10
6 Bedrooms	10	12

### 5.2 Subsidy Standards Waiver [24 CFR 982.402(b)(8)]

The standards discussed above should apply to the vast majority of assisted families. However, in some cases, the Housing Authority may grant waivers to the subsidy standards. Examples of possible exceptions that may be justified include but are not limited to:

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### 6.2.2.6 Earned Income Disallowance [24 CFR 5.617]

### 6.2.2.7 Term-Limited Lease Assistance, Streamlined Lease Assistance and Transitional Assistance for MTW Families

There is no earned income disallowance for families participating in the Term-Limited Lease Assistance, Streamlined Lease Assistance and Transitional Assistance for MTW Families programs.<sup>17</sup>

### 6.2.2.8 Traditional, Regulatory Assistance for Special Purpose Programs

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time.

This disallowance applies only to individuals in families already participating in the Traditional, Regulatory Assistance for Special Purpose Program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one (1) of the following events:

1. Employment of a family member who is a person with disabilities and who was previously unemployed for one (1) or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage. ~~the minimum wage applicable to the community multiplied by five-hundred (500) hours.~~ The applicable minimum wage is the greater of federal, ~~minimum wage unless there is a higher~~ state or local minimum wage.
2. Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
3. New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six (6) months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such

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<sup>17</sup> HACSB's MTW Activity 5: Simplified Income Determination eliminates the Earned Income Disallowance for MTW programs.

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as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six (6) month period must be at least \$500.

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income." The Housing Authority defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID. The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

During the initial twelve (12) month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The twelve (12) months are ~~cumulative and need not be~~ consecutive, regardless of breaks in employment. The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

During the second twelve (12) month exclusion period, the exclusion is reduced to at least half (50 percent) of any increase in income attributable to employment or increased earnings. The twelve (12) months are ~~cumulative and need not be~~ consecutive.

The EID has a ~~four (4)~~ two (2) year ~~(48-month)~~ (24 month) lifetime maximum. The ~~four (4)~~ two (2) year eligibility period begins at the same time that the initial exclusion period begins and ends ~~forty-eight (48)~~ twenty-four (24) months later.

### 6.3 Adjusted Annual Income

#### ***6.3.1 Term-Limited Lease Assistance and Streamlined Lease Assistance Programs***

There are no interim adjustments to household income for the Term-Limited Lease Assistance and Streamlined Lease Assistance programs. All subsidy and family rent shares are determined using annual income.<sup>18</sup>

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<sup>18</sup> The FY 2011 and FY 2013 Moving to Work Annual Plans created Activity 20: Term-Limited Lease Assistance and Activity 23: Streamlined Lease Assistance programs, respectively. Neither of these programs have allowable adjustments to annual income.



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Adjusted Income or the applicable minimum rent. Family rent share also considers whether the family has rented a unit whose contract rent is above the payment standard. Any amount over the payment standard must be paid for by the family and cannot be subsidized by the Housing Authority.

### **6.5 Minimum Rent [24 CFR 5.630 and 5.630]**

#### **6.5.1 Streamlined Lease Assistance and Transitional Assistance for MTW Families Programs**

*The Minimum Rent for the Streamlined Lease Assistance and Transitional Assistance for MTW Families programs is \$125.00.<sup>20</sup> A policy has been established for a temporary waiver from the minimum rent for families who demonstrate a hardship in paying the required minimum amount. Families may request a temporary waiver to the minimum rent by completing the Minimum Rent Waiver Request Form and providing documentation that supports the hardship for the family. In order to qualify for a temporary waiver, the family's income must have decreased due to a no fault loss of income or the death of a household member with income.*

*The temporary waiver will also be applied automatically to zero income families who are initially moving into a Sponsor-Based Project-Based program. The Housing Authority will exempt the family from the minimum rent requirement until the regularly scheduled recertification and the family will not be required to repay the minimum rent.*

#### **6.5.2 Traditional, Regulatory Assistance for Special Purpose Programs**

The minimum rent is \$50 for Traditional, Regulatory Assistance for Special Purpose Programs. If a family is unable to pay the minimum rent because of financial hardship, the Housing Authority must grant an exemption from the minimum rent. To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

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<sup>20</sup> The FY 2009 Moving to Work Annual Plan included Activity 10: Minimum Rent which established a minimum rent of \$125 for all Housing Services programs except Traditional, Regulatory Assistance for Special Purpose Programs.

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For this purpose, the family is considered to be in possession of the unit when the family has a key to the unit and the unit is fully available for the family's exclusive use.

### ***9.6.1 Term-Limited Lease Assistance, Streamlined Lease Assistance, Transitional Assistance for MTW Families Programs, and Traditional, Regulatory Assistance for Special Purpose Programs***

The initial term of the assisted dwelling lease generally must be for at least one (1) year and match the term of the contract executed between the Housing Authority and the owner. Some Special Purpose Programs may allow for a shorter lease term as applicable.

### ***9.6.3 Local Disaster Short-Term Rental Assistance Program***

The initial term of the assisted dwelling lease generally may be for less than one (1) year and match the term of the contract executed between the Housing Authority and the owner.

### ***9.6.4 Family Unification Program***

The initial term of the assisted dwelling lease generally may be for less than one (1) year and match the term of the contract executed between the Housing Authority and the owner.

### **9.7 Prohibition Against Side Payments [24 CFR 982.451(b)(4) and 982.501(c)]**

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner minus the Housing Authority's payments to the owner. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited. Dwelling units that have additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

### **9.8 Initial Inspections [24 CFR 982.305 and 24 CFR 982.401]**

All units are required to pass initial inspection prior to contract execution between the Housing Authority and the owner. Information on inspection standards is included in Chapter 10.

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The Housing Authority must continue making payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By accepting the monthly payment from the Housing Authority, the owner certifies that:

- The tenant is still in the unit;
- The rent is reasonable, and;
- The owner is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the Housing Authority has no other grounds for termination of assistance, the Housing Authority may permit the family to move with continued assistance.

### **14.3 Termination of the Contract by the Housing Authority [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]**

The term of the contract is the same as the term of the lease. The contract between the owner and the Housing Authority may be terminated by the Housing Authority, or by the owner or tenant by termination of the lease. The contract between the owner and the Housing Authority terminates for the following reasons:

- When the lease between the participant and the owner terminates
- When the Housing Authority terminates program assistance for the family (including the term of participation expiration for Term-Limited Lease Assistance families, and Local Disaster Short-Term Rental Assistance Program families, and Family Unification Program families),
- When the owner has breached the contract
- When the family moves from the unit or is absent from the unit for longer than one-hundred and eighty (180) days
- One –hundred and eighty (180) days have passed since the last payment to the owner
- The Annual Contributions Contract (ACC) between the Housing Authority and HUD expires

The Housing Authority may elect to terminate the contract for the following reasons:

1. Available program funding is not sufficient to support continued assistance for families in the program [24 CFR 982.454];

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described in the “In-Place Families” and “Public Housing Conversion” sections of this Chapter. The owner must promptly notify the Housing Authority of any vacancy or expected vacancy in a contract unit. The unit must be filled by the next eligible family on the site-based or region-based waiting list.

### ***20.11.1 Tenant Screening [24 CFR 983.255]***

It is the owner’s responsibility to screen an applicant family’s suitability for tenancy. The owner is responsible for screening and selection of the family to occupy the owner’s unit. When screening families the owner may consider a family’s background with respect to the following factors:

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

The Housing Authority is not responsible or liable to the owner or any other person for the family’s behavior or suitability of tenancy.

### **20.12 Occupancy**

After an applicant has been selected from the appropriate waiting list, determined eligible by the agent, owner or the Housing Authority, the family will sign the lease and occupancy of the unit will begin.

#### **20.12.1 Alternative Occupancy Standards<sup>63</sup> (New Section Added)**

Project-based voucher units are subject to HACSB’s traditional occupancy standards, which are currently set at a minimum of two person per bedroom. However, in certain circumstances, HACSB will permit certain project-based units to be occupied using alternative occupancy standard of up to two persons per bedroom. This flexibility will allow a family to be over-housed by occupying a larger unit than would normally be permitted under the occupancy standards.

Example: a two-person family may lease a two-bedroom unit.

Prior to exercising this flexibility, HACSB and the PBV property owner/manager will enter into a written agreement which specifies the circumstances under which the alternative occupancy standards may be used, including a requirement for the owner/manager to

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first undertake and demonstrate a reasonable effort, as defined by HACSB, to lease the subject unit to a family using the traditional occupancy standards.

In the event that the alternative occupancy standards are applied, the HAP for the subject project-based unit will be based on the actual unit size.

<sup>63</sup> The modification to HACSB's MTW Activity 11 made through the FY 2019 MTW Plan allows the Agency to apply alternative occupancy standards only upon Housing Authority management approval.

### **20.13 Lease [24 CFR 983.256]**

The tenant must have legal capacity to enter a lease under state and local law. The tenant and owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include the HUD-required tenancy addendum. The tenancy addendum must include, word-for-word all provisions required by HUD.

The lease for a project-based assistance unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD regulations and the policies outlined in this Administrative Plan; and
- A specification of the services, maintenance, equipment and utilities that will be provided by the owner.

If a lease is executed for a unit with accessibility features that the family does not require, the lease agreement must contain language or a lease addendum notifying the family that they may be required to move to another unit (with continued assistance) if the unit is needed by a family that does require the features.

If the tenant and owner agree to any change in the lease, the change must be in writing and the owner must immediately give the Housing Authority a copy of all changes. The owner must notify the Housing Authority in advance of any proposed changes in the lease regarding allocation of tenant and owner responsibilities for utilities. Such changes may

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family meets the minimum income requirement. It will not be included for other families.

- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (the term 'full-time employment' means not less than an average of 30 hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family. Families will be considered "continuously employed" if the break in employment does not exceed four months.
- The PHA will count self-employment in a business when determining whether the family meets the employment requirement.
- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, the PHA must grant an exemption from the employment requirement if the Housing Authority determines that it is needed as a reasonable accommodation.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c)
- The family must have completed all required Homeownership Counseling programs.
- The family must have fully repaid any outstanding debt to any Housing Authority.

### 21.3 Selection of Families

Participation in the HCV Homeownership Program is voluntary. The Housing Authority will offer the homeownership option to participating families who are Housing Authority program participants and meet the following qualifications:

- Residence in San Bernardino County for at least 1 year before applying to the Homeownership Assistance Program.



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- At least 1-year of participation in the HACSB'S Transitional Assistance for MTW Families Program, Housing Choice Voucher Program, Streamlined lease Assistance program, Term-Limited Lease Assistance Program, or Affordable Housing Program. Former housing services participants pulled from a waiting list will be subject to 1-year of participation in a housing services program.
- In good standing with the Housing Authority by meeting the requirements for continued participation in the program
- Can secure mortgage financing through a lender and therefore must be credit worthy. No outstanding collection accounts, judgments or liens. At least 2 years since the discharge of a bankruptcy.
- Gross household income must be at least 2 times the HACSB payment standard for the unit size (this requirement does not apply to disabled or elderly participants).
- Contribute a total down payment of 3% of the purchase price. The program requires at least 1% of the down payment must come from the family's own funds. The other 2% can be gifts, contributions, and grants.
- Completion of a minimum of 8 hours of homebuyer's education from a HUD-approved counseling program by the head of household and any adult member that will hold title to the home.

HACSB does not have a maximum limit on homeownership assistance. Funding determines ability to accept new families. If the Housing Authority reaches the maximum number of families it can serve, it will start a wait list and select families to participate in the program based on time and date of application for the homeownership program.

### **21.4 Eligible Units [24 CFR 982.628]**

In order for a unit to be eligible, the Housing Authority must determine that the unit satisfies all of the following requirements:

1. The unit is not any of the following:
  - A. A public housing or Indian housing unit;
  - B. A unit receiving HCV project-based assistance;
  - C. A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
  - D. A college or other school dormitory;
  - E. On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
4. The unit is under construction or already exists at the time the family enters into the contract of sale.