



COMMONWEALTH OF  
PUERTO RICO

Puerto Rico Housing Finance  
Authority

SUBSIDIARY OF THE GOVERNMENT DEVELOPMENT BANK  
FOR PUERTO RICO

# ADMINISTRATIVE PLAN

FOR THE  
HOUSING CHOICE VOUCHER PROGRAM /  
PROJECT BASE VOUCHER PROGRAM AND  
MODERATE REHABILITATION

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**Interim notices from the PHA published on the webpage [afv.pr.gov](http://afv.pr.gov)**

**ADMINISTRATIVE PLAN**

**FOR THE**

**HOUSING CHOICE VOUCHER PROGRAM /**

**PROJECT BASE VOUCHER PROGRAM AND**

**MODERATE REHABILITATION**

**PHA DISCRETIONARY POLICIES AND PROCEDURES**

**I. PURPOSE AND APPLICABILITY**

The **HOUSING CHOICE VOUCHER, PROJECT BASE VOUCHER AND MODERATE REHABILITATION PROGRAMS**, authorized by the U. S. Housing Act of 1937, as amended (the Act), assists eligible families in the payment of rent for decent, safe and sanitary housing, as determined under the program provisions and requirements. The Puerto Rico Housing Finance Authority is a duly qualified and approved Public Housing Agency (PHA) who among other programs, offers expanded opportunities for rental assistance to eligible very low income families by utilizing existing housing, that meets HUD's minimum Housing Quality Standards (HQS).

The PHA receives its funding for the programs from the Department of Housing and Urban Development (HUD). The PHA enters into an Annual Contributions Contracts with HUD to administer the programs requirements on behalf of HUD.

This administrative plan is set forth to **define the PHA's local policies for operation of the housing programs in the context of federal laws and regulations**. All issues related to Section 8 **not addressed in this document** are governed by such federal regulations, HUD handbooks and guidebooks, notices and other applicable law. The applicable regulations include: 24 Code of Federal Regulations (CFR) Part 5: General Program Requirements; 24 CFR

Part 8: Nondiscrimination; and 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program. This Administrative Plan can be modified through the publication of interim notifications, which will be incorporated and form part of this.

The PHA, prohibits discrimination in all housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and handicap (disability) pursuant to Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) as amended. It is also prohibited, including the PHA or any owner, to ask an applicant or occupant his or hers sexual orientation, and gender identity for purposes of determining eligibility or otherwise making housing available.

## **II. CONTENTS OF THE PLAN [24 CFR 982.54]**

24 CFR 982.54 contains a list of what must be included in the administrative plan. These are:

### **Section 1. Selection of Applicants - Waiting List (982.201 - 982.207)**

#### **A. Selection and admission of applicants from the PHA waiting list.**

Participants will be selected from the PHA's waiting list, in accordance with the admission policies included in this Administrative Plan. The waiting list for the program is organized by application dates and time. It includes information that permits the selection of participants from the top in accordance with the PHA's admission policies and the requirements under 24 CFR 982.204, "Administration of Waiting List".

#### **B. PHA Admission Preferences.**

The PHA has not adopted any admission preferences.

#### **C. Procedures for removing applicant names from the Waiting List**

The PHA will remove names of applicants from the waiting list when:

1. The applicant requests to be withdrawn from the waiting list,
2. The applicant did not respond to the PHA's request for updates of information, and the request, was sent to the address provided by the applicant.
3. The applicant family did not respond to the PHA or to the owner's request to sign the contracts, or rejects the opportunity.
4. The applicant family ceases to be eligible to the program.
5. The applicant family ceases to be eligible to the program because, the family intentionally omits information.
6. The issued voucher, and any approved extensions, expires.

#### **D. Procedures for closing and reopening the PHA Waiting List**

The PHA shall give public notice of the closing and reopening of the waiting list, by the

publication of a notice in a local newspaper of general circulation and other suitable means, in compliance with HUD's fair housing requirements and HUD's regulations. The PHA shall close the waiting list:

1. When program funding is not available or,
2. when the existing waiting list contains an adequate amount of applicants in consideration to the available program funds.

## **Section 2. Issuing or Denying Vouchers (982.302 & 982.303)**

### **A. Policies for Issuing or Denying Vouchers**

1. **New Admissions:** A Voucher is issued when the applicant reaches the top of the waiting list and the eligibility requirements are verified. Reliable third party verifications are used to corroborate income, such as Social Security Administration, Work Department - Unemployment Compensation Certification, Administración de Sustento para Menores (ASUME), Temporary Assistance for Needy Families (TANF), and employers' verifications, among others.
2. **Participants:** The following requirements apply to the issuance of a new voucher to a participant family:
  - a. Participant must live in the unit for at least one year, unless the family has a member who is a victim of domestic violence, or is required to move because the unit has failed to meet the Housing Quality Standards (HQS);
  - b. The participant has not violated the lease contract, nor the provisions established in the Statement of Family Responsibilities; applicable HUD regulations and PHA policies;
  - c. The family has to paid in full, or be current on an approved payment plan, regarding any debt with the PHA; and,
  - d. The participant has not engaged in or threatened abusive or violent behavior towards PHA personnel.
  - e. If the voucher expires or the participant rejects the opportunity to move, the participant has to wait twelve months to request another voucher in order to move.
3. **Denial for lack of funding:** The PHA must notify a participant in writing, the denial to move, due to lack of funding. The notification will inform the participant that the request to move will be open for one (1) year. The PHA will notify in writing the families with open requests, when the funds become available. (PIH 2012-42).

- B. Term and Extensions of the Vouchers:** The PHA may approve any request of extension, if the participant satisfactorily demonstrates efforts to find a suitable unit during the initial term. The initial term of the voucher shall be 60 days, but the PHA if necessary, can approve one (1) extension of 60 days. If and when, the issued voucher and any approved

extension expires, the participant has the option to reapply when the PHA begins accepting applications.

- C. **Suspension of the Voucher Term:** The PHA may suspend the voucher's term, when completed form of request for lease approval is submitted, with its supporting documents. The suspension of the voucher's expiration will be effective from the time the participant submits the request for the approval of the PHA to lease a unit, until the time the PHA approves or denies the request. "Suspension" means stopping the clock on the term of a participant, after a request for approval of the tenancy.

When the PHA denies a request for tenancy, the family must be notified immediately that the time on the voucher term has restarted. The notice will include the new expiration date of the voucher. Such extension cannot be less than 30 calendar days.

- D. **Requesting PHA Approval of Assisted Tenancy:** The participant is only allowed to submit one request at a time.

### **Section 3. HUD funding for specified families or a specific category of families:**

The PHA must comply with HUD directives when receiving HUD funds for a special purpose (e.g., desegregation), including funding for specified families or a specific category of family, per 24 CFR 982.54(3). No PHA special rules other than HUD's are set for these cases.

### **Section 4. Encouraging Participation by Owners of Suitable Units Located Outside areas of Low Income or Minority Concentration:**

- A. The PHA will provide applicants that have shown difficulties to locate housing outside of poverty areas, a questionnaire that intends to identify and document their experiences while searching for a unit.
- B. The PHA will take the following actions to encourage participation by owners of units located outside areas of poverty or minority concentration:
1. As an incentive to Owners, the payment standard of the dwelling units will be the 110% of the fair market rent.
  2. The Section 8 vouchers to the participants may be delivered in a group activity where owners of projects located outside areas of poverty are invited. The owners can participate in the activity and showcase the units available.
  3. The PHA must also include in the information package for rental voucher holders, a list of units that owners are willing to lease, and such units are located outside areas of poverty.
  4. When the family identifies an area where they desire to live, the PHA will provide a map of the area indicating the characteristics of the area which may include

information about job opportunities such as commercial centers, schools, transportation and other services in the area.

5. Due to the scarcity of affordable housing in Puerto Rico, the PHA analyzed the availability of units assisted under the low-income housing tax credit program located outside areas of poverty with vacant units and included shall include this information and Maps in the information package for rental voucher holders.
6. The PHA has a form that is filled by Owners with the information of units available for rent. These forms are filed by bedroom type and provided to applicants to assist them find a unit outside of poverty concentration areas.

#### **Section 5. Screening of Applicants (982.307)**

The PHA will not screen applicants for family behavior or suitability for tenancy. The owner is responsible for screening of families to occupy their unit.

#### **Section 6. Providing Information about a Family to Prospective Owners (982.307)**

The PHA will provide information to prospective Owners about the current address of the family and the past and present landlords. The PHA will provide copy of documents in our files, only with the written consent of the family.

#### **Section 7. Owners Disapproval, (982.306)**

##### **A. Disapproval**

1. The PHA will not approve to lease a unit from an owner if the PHA knows that the owner has violated obligations under a Section 8 Housing Assistance Payments Contract; the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing programs; the owner has engaged in criminal or drug-related activities; or the owner has a history or practice of non-compliance with the Housing Quality Standards (HQSs) for units leased under the tenant-based program, or with applicable housing standards for units leased with project-based assistance or leased under any other federal housing programs.
2. The owner threatens the health or safety of residents, PHA employees, of owner employees and the right to peaceful enjoyment of the premises by other residents.
3. The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

**Section 8. Assisting a Family that Claims that Illegal Discrimination has Prevented the Family from Leasing a Suitable Unit. (982.304)**

The PHA must include in the Application Package, a form that may be used by the family to file an illegal discrimination complaint, if needed. The PHA will also provide orientation to the family as to what constitutes illegal discrimination and must give the family information on how to fill out and file a housing discrimination complaint.

**Section 9. Subsidy Standards; (982.402)**

**A. Occupancy Standards:**

1. The dwelling unit will have at least one (1) bedroom for each two (2) persons. Two adults may share the same bedroom. Children of the same sex, where there is a 6-year age difference or more, may not share the same bedroom. Exceptions to this policy may be granted if justified by health or handicap reasons.
2. To obtain an exception under the latter conditions, the PHA will require a written medical recommendation.
3. A smaller unit may be approved, if requested by the family, provided no overcrowding exists.

**Section 10. Number of Moves Allowed (982.314)**

The PHA may prohibit moves by the family during the initial 12 months lease term. Except, when the family or a member of the family is or has been a victim of domestic violence, dating violence, or stalking, and the move is needed to protect the health or safety of any member of the family.

The family has to be in compliance with the Lease, including any approved payment plan, HUD regulations and PHA policies and procedures.

**Section 11. Occupancy and Termination Policies:**

**A. Definition of what Group of Persons May Qualify as a "Family" (24 CFR 5.403)**

1. A "family" may be a single person or a group of persons, regardless of marital status, actual or perceived sexual orientation, or gender identity.
2. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
3. A group of persons residing together, and such group includes, but is not limited to:
  - a. 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);

- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family; and
- f. The remaining member of a tenant family.

4. The PHA may also consider "family":

- a. If a minor child (other than the own son or daughter) is included as a member of the family composition, if the family has the legal custody of the child or it is being processed.
- b. In the case of adults, the PHA will accept next of kin persons to the head of the household or spouse, if no overcrowding results. If no such relationship exists, the PHA will analyze and consider the situations on a case by case basis.

**B. Continuously Assisted: Definition**

An applicant is continuously assisted, if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program. The PHA may consider the family continuously assisted, if at the date of the application, the assistance was interrupted for 30 days or less, due to reasons beyond the control of the applicant.

**C. Termination of Assistance, Reasons**

- 1. The PHA **may** terminate assistance if any member of the household unintentionally omits relevant information necessary to determine or re-determine eligibility to the program such as income, immigration status or family composition.
- 2. The PHA **must** terminate assistance if any member of the household **intentionally**, omits relevant information necessary to determine or re-determine eligibility to the program such as income, immigration status or family composition. The omission is considered intentional when the PHA has irrefutable evidence that corroborates the intention of the omission by the family, such as family certifications or declarations and third party verifications. The PHA will offer an opportunity to continue in the program if the amount owed is \$200.00 or less. If after said opportunity, the participant commits another intentional omission, the PHA must terminate the assistance. The PHA must not re-admit in the program those families whose assistance was terminated for intentionally omitting relevant information.
- 3. If after reviewing the omitted income, or information, the family does not qualify for assistance, the PHA will consider a term of 180 days for the

family to remain in the program, from the date the family began to receive the income. In the case of not qualifying for subsidy for a term exceeding 180 days, the subsidy will be cancelled.

4. The PHA **must** terminate the assistance if the family generates a third debt by omitting relevant information necessary to determine or re-determine eligibility to the program such as income, immigration status or family composition.
5. The PHA **may** terminate assistance if the family violates any of the family obligations under the program.
6. The PHA **must** terminate the family's assistance, if the family refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement.
7. The PHA **must** terminate assistance if the family breaches an agreement with the PHA to pay amounts owed to a PHA.
8. The PHA **may** terminate assistance if the family has engaged in, or threatened to use abusive or violent behavior or language towards PHA personnel.
9. The PHA **may** terminate assistance if the family fails to move to the assisted unit within one week, after signing the lease.

In the evaluation of the previous reasons, the PHA may take into consideration, among others, all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of the denial or termination of assistance on other family members who were not involved in the action or failure.

**D. Lack of Funding:** The PHA may apply following termination policies when there is not enough funds.

1. Contact the receiving PHAs to determine whether the Port Outs can be absorbed by them.
2. Reject any rent increase request from owners.
3. Portability moves is denied if the receiving PHA does not absorb the family's voucher for the area with a higher subsidy amount.
4. Make an appointment (contact) to all families recorded in the EIV New Hires report with the employment income that are not included since the last evaluation, to perform an immediate interim recertification.
5. Implement an interim recertification due to an income (in cases that are voluntary informed).

**E. Standards for Denying Admission or Terminating Assistance based on Criminal Activity or Alcohol Abuse in Accordance with §982.553;**

1. **Denial of Admissions** - The PHA will deny admission if any member of the family has committed fraud or any other corrupt or criminal act in connection with

any Federal Housing program, or if any members are alcohol abusers and drug criminals, such as:

- a. **Mandatory Prohibition of Sex Offenders** - The PHA must deny admission to the program if any member of the household is subject to a lifetime registration under a State sex offender registration program (24 CFR 982.553 (2)). Sex offenders, not subject to lifetime registration, will be denied assistance for the entire period they are subject to registration as sex offenders. The PHA will screen the family by performing a criminal history background check necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the dwelling unit is located and in other States where the household members area known to have resided. The screening is to be carried-out through a on the U.S. Department of Justice National Sex Offender Public Website, and any other means such as a Certificate of Conduct prepared by any local government entity. The PHA may (discretionary) require criminal records from the prior State where the family lived, in order to verify if any household member is subject to a sex offender registration program.
- b. **Eviction for Fraud or Drug Related Activity** - The PHA must prohibit admission to the program of an applicant, if a household member has been evicted from federally assisted housing for fraud or drug-related criminal activity, within the last three years.

However, the PHA may admit the household if the PHA concludes:

- 1) That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
  - 2) That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- c. **Alcohol Abuse** - The PHA must prohibit admission to the program if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. However, the PHA may admit the household if the PHA determines:
    - 1) That the household member is participating in or has successfully completed a supervised alcohol rehabilitation program and submits evidence of otherwise having been rehabilitated successfully.
  - d. **Illegal use of Drugs** -The PHA must prohibit admission if the PHA determines that any household member is currently engaging in illegal use of a drug; and the PHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to the peaceful enjoyment of the premises by other residents. (For purposes of this section, a household member is "currently engaged in" criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current). The PHA may consider all credible evidence, limited to the previous six months, for a

pattern of disqualifying behavior that would indicate that this behavior would continue. Where the evidence is clear and convincing, leading a reasonable person to believe that the behavior would continue, the evidence shall be presented to the applicant for an opportunity to rebut and/or provide mitigating evidence in response.

- e. **Conviction for Manufacture of Methamphetamine** - The PHA must prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- f. **Other Criminal Activity** - The PHA must prohibit admission of a household to the program if the PHA determines that any household member is currently engaged in, or has engaged in during two years before the admission:
  - 1) Drug-related criminal activity;
  - 2) Violent criminal activity (“serious bodily injury or property damage”);
  - 3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
  - 4) Other criminal activity, which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

The PHA may admit the household:

- 5) If the PHA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during two years, before the admission decision.
  - 6) The PHA would have “sufficient evidence” if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during two years and provides supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which the PHA verified.
- g. **Special Terms**
- 1) **Preponderance of Evidence** -The PHA may deny admission for criminal activity by a household member as authorized in this section if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.
  - 2) **Use of Criminal Record** - If the PHA intends to deny admission for criminal activity as shown by a criminal record, the PHA must provide the applicant with a copy of the criminal record of the subject of the record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with

Section 21. Informal Review Procedures for Applicants under this Administrative Plan. (24 CFR 982.554).

**2. Terminating Assistance for Drug Criminals and other Criminal Activities**

- a. **Illegal use of a Drug** -The PHA must terminate assistance if the PHA determines that any household member is currently engaging in illegal use of a drug; and the PHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. (For purposes of this section, a household member is "currently engaged in" criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current);
- b. **Conviction for Drug Related Manufacture of Methamphetamine** - The PHA must immediately terminate assistance for a family under the program if the PHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- c. **Alcohol Abuse** -The PHA must terminate assistance to the program if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- d. **Drug-related Criminal Activity** - The PHA must terminate assistance under the program for a family if the PHA determines that any family member has violated the family's obligation under Sec. 982.551 not to engage in any drug-related criminal activity.
- e. **Other Criminal Activity** - The PHA must terminate assistance of a household to the program if the PHA determines that any household member has violated the family's obligation under Sec. 982.551 not to engage in any violent criminal activity:
  - 1) Violent criminal activity ("serious bodily injury or property damage");
  - 2) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
  - 3) Other criminal activity, which may threaten the health, or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).
- f. **Special Terms**
  - 1) **Preponderance of Evidence** - The PHA may terminate assistance for criminal activity by a household member if the PHA determines, based on a preponderance of the evidence that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

- 2) **Use of Criminal Record** - If the PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the tenant with a copy of the criminal record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record in accordance with Sec. 982.555. (The PHA may not pass along to the tenant the costs of a criminal records check).
- 3) **Continued Assistance** - The PHA may impose, as a condition to continue assistance for other family members, that those other family members who participated in or were responsible for the action or failure, will not reside in the unit and permit the other members of a participant family to continue receiving assistance.

**F. Prohibition Against Denial of Assistance Victims of Domestic Violence, Dating Violence and Stalking (VAWA) [Pub. L.109-162]**

The Violence Against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. The PHA specifically requires for the Housing Choice Voucher Program, that if an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking these are not appropriate reasons for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

**1. Definitions:**

- a. Domestic violence; includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- b. Dating Violence; means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - 1) The length of the relationship.
  - 2) The type of the relationship.
  - 3) The frequency of interaction between the persons involved in the relationship
- c. Stalking means: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person. If 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

d. Immediate family member means, with respect to a person:

A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or any other person living in the household of that person and related to that person by blood and marriage.

## 2. Notification and Victim Documentation

- a. The PHA must include in its Voucher package the following notice (In Spanish): *Información Importante para la Familia y el Arrendador sobre la Ley de Violencia Doméstica, Violencia por Acompañante o Acecho*. The notice explains the rights of applicants and tenants, voucher holders, including the possible portability of vouchers between jurisdictions to escape an imminent threat of further domestic violence or stalking. Also the notice includes VAWA landlord's obligations.
- b. Also, the PHA must provide to all voucher holders information from the "Oficina de la Procuradora de las Mujeres (OPM) of Puerto Rico" with important information about how to obtain services in case of violence against women (education, support, orientation, service coordination, shelters, and more).
- c. If a victim of domestic violence, dating violence, or stalking, has an unfavorable history that would warrant denial under the PHA's policies, and the PHA denies admission, the PHA must include in its notice of denial, a statement of the protection against denial provided by VAWA, and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking. The documentation must include two elements:
  - 1) A statement signed by the victim, that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking, and one of the following:
    - a) A police or court record documenting the actual or threatened abuse, or
    - b) a statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury (sworn statement) that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The applicant must submit the required documentation with her or his request for an informal review or must request an extension at that time, all requests must be in writing. If the applicant so requests, the PHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the PHA determines the family is eligible for assistance, no informal review will be scheduled and the PHA will proceed with the admission of the applicant family.

### **3. Perpetrator Removal or Documentation of Rehabilitation**

- a. In cases where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, the PHA will proceed as above, but will require, in addition, either (a) that the perpetrator be removed from the applicant household and not reside in the assisted housing unit or (b) that the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.
- b. If the family elects the second option, the documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury, to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation. This additional documentation must be submitted within the same time frame as the documentation required above from the victim.

### **4. Confidentiality Requirements**

- a. All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

### **G. Denial of Assistance to an Applicant (24 CFR 982.552), and other Situations:**

1. Denying listing on the PHA waiting list
2. Denying or withdrawing a voucher
3. Refusing to enter into a HAP contract, or to approve a lease
4. Refusing to process or provide assistance under a portability process

5. The PHA **may** prohibit admission if any member of the household **unintentionally** omits relevant information necessary to determine eligibility to the program such as income, immigration status or family composition
6. The PHA **must** prohibit admission if any member of the household **intentionally** omits relevant information necessary to determine eligibility to the program such as income, immigration status or family composition. The omission is considered intentional when the PHA has irrefutable evidence that corroborates the intention of the omission by the family, such as family certifications or declarations and third party verifications
7. The PHA may prohibit admission if any family member's assistance from moderate rehabilitation, public housing programs, certificate or voucher program was terminated in the last three years
8. If the family currently owes rent or other amounts to the owner or PHA or to another PHA in connection with Section 8 or public housing assistance under 1937 Act
9. If any member of the family has been evicted from federally assisted housing in the last three years
10. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

**H. Eligibility of Students (24 CFR 5.612)** (This rule does not apply to a student residing in a Section 8 assisted unit with his or her parent(s), or who resides with his/her parent(s) who are applying to receive Section 8 assistance)

1. A person will **not** be eligible to separately receive Section 8 assistance if:
  - a. enrolled as a student at an institution of higher education;
  - b. is under the age of 24;
  - c. is not a veteran of the United States military;
  - d. is unmarried;
  - e. does not have a dependent child;
  - f. is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under Section 8.
2. If the before mentioned circumstances do not exist, then in order to determine the eligibility of a student:
  - a. The income from the parents will be verified with a parent declaration and certification of income and, if it is determined necessary any supporting documentation required by the PHA.
  - b. The income of the student's parents may not be relevant, if the student can demonstrate the absence of, or his or her independence from, parents.

- c. Review and verify previous address information to determine evidence of a separate household, or verify if the students meets the US Department of Education's definition of "independent students";
  - d. Reviewing a prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the students meets the US Department of Equation's definition of "independent students)
  - e. Verify income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student.
3. Financial assistance in excess of tuition assistance received by the student will be included in annual income for determination of eligibility for Section 8 assistance, *unless* the student is over the age of 23 with dependent children. Financial assistance does not include loan proceeds for the purpose of determining income.

**Section 12. Family Absence from the Dwelling Unit: (982.312)**

The PHA will allow an absence from the unit for thirty (30) days or less. If the family needs to be absent from the unit for over 30 days, they will be required to notify the PHA and specify in writing the reasons for such absence. Also the family must provide any information for the PHA's evaluation, such as the address and telephone where they can be contacted, and the name, address and telephone number of the person who will be in charge of the unit during their absence. In no event will the PHA approve family absences from the unit for more than 180 consecutive calendar days in any year.

**A. Absence of Any Member**

Any member of the household will be considered permanently absent if she/he is away from the unit for two consecutive months or 60 days in a 12 month period except as otherwise provided in this Section.

**B. Absence due to Medical Reasons**

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the HA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 consecutive days, the family member will not be considered permanently absent. If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the PHA's "Absence of Entire Family" policy.

**C. Absence Due to Full-time Student Status**

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in the total household income, the member will not be included on the lease, and that member will not be included for determination of Voucher size.

**D. Absence Due to Incarceration**

If the sole member is incarcerated for more than 30 consecutive days, she/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if she/he is incarcerated for 30 consecutive days or 30 days in a twelve month period.

**E. Absence of Children Due to Placement in Foster Care**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the HA will determine from the appropriate agency when the child/children will be returned to the home. If the time period is to be greater than twelve months from the date of removal of the children, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

**F. Absence of Entire Family**

These policy guidelines addresses situations when the whole family or any member of the family is absent from the unit, but have not moved out of the unit. Families are required both: to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit. Families must notify the PHA if they are going to be absent from the unit for more than 30 consecutive days. The family may be authorized to be outside the unit up to a maximum of 60 calendar days, provided that evidence is presented to justify the absence. In case the family or the head of the family is out of the unit, a delegated person must be in charge to represent the family in other any required process, such as the annual review, unit inspection, required repairs, maintenance, etc.

HUD regulations require the PHA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days. "Absence" means that no family member is residing in the unit. In order to determine if the family is absent from the unit, the PHA may:

1. Write letters to the family at the unit
2. Telephone the family at the unit
3. Interview neighbors
4. Verify if utilities are in service
5. Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

**Section 13. How to Determine Who Remains in the Program if a Family Breaks Up: (982.315)**

- A. If there is a family break up and the family reaches an agreement as to who will remain in the unit and continue to receive the rental subsidy, the PHA will accept such agreement.
- B. If no agreement is reached, the subsidy will be provided to the parent having the custody of the children, provided the children live with said parent.
- C. If there are no children, the PHA will take into consideration domestic violence to the abused spouse or partner, if any, and the medical conditions, as they may exist. In the absence of these conditions, the rental assistance will remain with the family members who stay in the assisted unit, if an adult member remains as a household.
  - 1. When the remaining members are minors:
    - a. If the minors have less than 18 years:
      - 1) A temporary adult guardian may be allowed to reside in the unit, until the court appoints a guardian, this process must be completed during the same month of the household's death.
      - 2) Notwithstanding the foregoing, the PHA must stop the Housing Assistance Payments at the end of month when the household dies.
      - 3) The owner must be notified immediately of these events. In accordance with its screening policies, the PHA and the owner may add the new guardian as the new head of household, if such approval is made during the same month of the household's death.

Any deviation from this policy will be approved on a case by case basis, after the PHA analyzes the legal circumstances of each individual case.

- b. If a minor is 18 years or older:
  - 1) A temporary adult guardian may be allowed to reside in the unit, until the court appoints a guardian or emancipates the minor, this process must be completed during the same month of the household's death, and a new Lease and HAP must be signed with the guardian or the emancipated minor in order to continue assistance.
  - 2) The PHA must stop the Housing Assistance Payments at the end of month when the household dies.
  - 3) The owner must be notified immediately of these events. In accordance with its screening policies, the PHA and the owner may add the new

guardian or the emancipated minor, as the new head of household, if such approval is made during the same month of the household's death.

Any deviation from this policy will be approved on a case by case basis, after the PHA analyzes the legal circumstances of each individual case.

#### **Section 14. Reasonable Accommodation Policy**

PHA is required to comply with Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988, Title II of the American with Disabilities Act and Section 504 of the Rehabilitation Act. PHA and its housing programs (such as, the Section 8 Housing Choice Voucher and Project-Based Program and Moderate Rehabilitation) do not discriminate in the terms, conditions or privileges of rental of a dwelling or in the provision of services in connection therewith because of race, color, sex, religion, national origin, familial status or handicap.

Program applicants and participants should contact Compliance Officer for more information regarding this policy by mail at: *División de Vivienda Subsidiada*, PO Box 71361 San Juan, PR 00936-8461; or e-mailing [acomodorazonable@afv.pr.gov](mailto:acomodorazonable@afv.pr.gov) ; or calling 787 765-7577 ext. 1235, faxing 787-620-3531.

Landlords shall seek guidance from PRFHA before rejecting any request made by a disabled tenant, by mailing at: *División de Vivienda Subsidiada*, PO Box 71361 San Juan, PR 00936-8461; or e-mailing [acomodorazonable@afv.pr.gov](mailto:acomodorazonable@afv.pr.gov)); or calling 787 765-7577 ext. 1235, faxing 787-620-3531.

#### **A. Definitions**

1. A **reasonable accommodation** is a change or exception that is made to PHA's rules, policies, practices, procedures or services with the purpose of affording a disabled person the equal opportunity to use and enjoy a housing program and his dwelling, its common areas and other premises.
2. A **reasonable modification** is a structural change made to existing premises occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the dwelling, common areas and other premises.

For purposes of a reasonable accommodation or modification, the definition of a person with disability shall follow the federal Fair Housing Act, Title II of the American with Disabilities Act, Section 504 of the Rehabilitation Act and their interpreting regulations, as codified at 28 C.F.R. Part 35, and 24 C.F.R. Parts 5, 8 and 100.

3. **Handicap or Disability** means a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
4. **Physical or Mental Impairment** includes: (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the

following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemic and lymphatic; skin; and endocrine; or (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

5. **Major Life Activities** include, but are not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, breathing, learning, working, thinking, eating, standing, lifting, concentrating, communicating, and sleeping.

## B. Exceptions

1. The term disability or handicap does not include current, illegal use of or addiction to a controlled substance. However, persons who are recovering from substance abuse cannot be discriminated against and are protected under the Fair Housing Act.
2. An individual shall not be considered to have a handicap solely because that person is a transvestite.
3. A disabled resident will not eligible for a reasonable accommodation if the person:
  - a. poses a direct threat to the health or safety of others that cannot be eliminated, mitigated or significantly reduced by a reasonable accommodation; or
  - b. causes substantial physical damage to the property of others that cannot be eliminated, mitigated or significantly reduced by a reasonable accommodation.

To apply this exception, PHA will use reliable objective evidence (such as recent history of acts) and will consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; (3) if there are any reasonable accommodations that would eliminate the direct threat; and (4) whether the individual has received treatment or medication that has eliminated the significant risk of substantial harm.

The requested accommodation or modification is not reasonable: the request cannot impose an undue financial and administrative burden the project, (-), landlord or on PHA or fundamentally alter the nature of the housing program. This determination will be made by PRFHA on a case-by-case basis by considering factors, such as the cost of the requested accommodation; the landlord's or PHA's financial resources; if it would fundamentally alter the service, program (HCV) or activity of the public entity (PHA); the benefits that the accommodation would provide to the petitioner and whether alternative accommodations exist that would effectively meet the requester's special needs.

## C. Criteria

PHA will evaluate accommodation and modification requests to determine if they satisfy all of the following five criteria:

### 1. Request

- a. PHA must receive a request for the accommodation or modification.
- b. The request may be lodged by the disabled resident or by another person residing with or acting on behalf of the handicapped person.
- c. The request does not have to be in any particular format or mention the words "reasonable accommodation" or "reasonable modification" to be regarded as such.
- d. The request may be verbal, although PHA prefers written requests.
- e. The request may be presented at any point during the disabled person's participation in a housing program or residence in any given community.

### 2. Disability

- a. The person that needs the accommodation or modification must meet the definition of disability of the federal Fair Housing Act, Title II of the American with Disabilities Act, Section 504 of the Rehabilitation Act or their interpreting regulations, as codified at 28 C.F.R. Part 35, and 24 C.F.R. Parts 5, 8 and 100.
- b. If the handicap is not visible or readily apparent, then the person must provide documentation from a professional (such as a doctor, a medical professional or a reliable third party that is in a position to know about the individual's disability). The certification must: (1) verify the handicap, (2) state the disability-related need for the accommodation or modification and, if applicable, explain how the accommodation is likely to resolve the resident's non-compliance problem.

### 3. Relationship or Nexus

- a. The requested modification or accommodation must be related to the person's disability. Therefore, petitions must show the relationship between the individual's handicap and the requested accommodation or modification.

### 4. Reasonable

- a. The request must not pose an undue financial and administrative burden or fundamentally alter the nature of PHA's operations.
- b. If the request is found to be unreasonable, PHA may propose possible reasonable alternatives that effectively address the disabled resident's needs without imposing an undue burden.

## 5. Documentation

- a. If the person has a handicap that is not visible or readily apparent, then documentation from a reliable source (such as a doctor, a medical professional or a reliable third party that is in a position to know about the individual's disability) must be submitted. PHA will use this documentation to evaluate the disability-related need for the requested accommodation or modification.
- b. All information gathered in this process will be kept confidential and will only be shared with individuals that need the information to process the request and to take appropriate actions (for example, the Board of Directors or the Administrator).

### D. Procedure

1. Applicants and participants may request reasonable accommodations and modifications at any time. Although these may be made verbally, for reasons of clarity to both parties, PHA strongly encourages that requests be lodged in writing directly with its offices or via regular mail at: *División de Vivienda Subsidiada*, PO Box 71361 San Juan, PR 00936-8461; fax 787-620-3531 or email [acomodorazonable@afv.pr.gov](mailto:acomodorazonable@afv.pr.gov). If a landlord receives any request from a disabled tenant, the landlord will immediately forward the petition via regular mail at: *División de Vivienda Subsidiada*, PO Box 71361 San Juan, PR 00936-8461; fax 787-620-3531 or email [acomodorazonable@afv.pr.gov](mailto:acomodorazonable@afv.pr.gov).
3. PHA's Compliance Officer will assist residents with special needs to submit reasonable accommodation and modification requests. Requests submitted in alternate format (such as a tape recording of the request) will be accepted if these are necessary due to a person's disability.
4. Once a request is lodged, PHA's Compliance Officer will acknowledge its receipt by regular mail, email, fax or by date-stamping a copy of the petition.
5. If applicable, PHA's Compliance Officer may enter in the following analysis to decide which of the following three scenarios applies to the petitioner's case and whether or not the petitioner should be contacted to better understand his disability-related needs, and further assess the request. The three possible scenarios are as follows:
  - a. The individual's disability and the need for the requested accommodation are not visible, readily apparent or known to the administrator, landlord and/or PHA: In this instance, PRFHA's reviewer must verify the person's disabling condition by requesting that documentation from a professional (such as a doctor, a medical professional or a reliable third party that is in a position to know about the individual's disability) be submitted. The petitioner or the certification submitted must also explain the relationship between the accommodation being requested and the person's disability. There must be an identifiable relationship, or nexus, between both of these.
  - b. The person's disabling conditions are visible, known or obvious, but the need for the accommodation is not known or readily apparent: In such cases, PRFHA may request information that is necessary to evaluate the disability-

related need for the accommodation; a professional certification from a doctor, a medical professional or a reliable third party that is in a position to know about the individual's disability. The petitioner or the certification submitted must also explain the connection or relationship between the requested accommodation and the person's disability.

- c. The person's disability is visible, known or obvious and the need for the accommodation is readily apparent or known: Since the disability and the disability-related need for the requested accommodation are both readily apparent, PHA may not require additional information about the disability or the need for the accommodation. In such instances, the request for a reasonable accommodation or modification will suffice.

*Note: PHA will only request information that is necessary to evaluate the disability- related need for the accommodation, and will not inquire about the nature or extent of any disability.*

6. Within ten (10) business days of the petition being received at PHA's office, PHA's Compliance Officer will analyze the reasonable accommodation and/or modification requests and determine whether to approve or deny them.
7. If PHA's Compliance Officer grants the request, the project Administrator or landlord will implement the change as soon as possible, but no later than ten (10) business days from the date of the issuance and notification of the decision. If applicable, PHA will send written notification explaining the granted accommodation to the project Administrator or landlord.
8. If PHA's Compliance Officer denies a petition, the decision will be notified in writing within twelve (12) business days and shall explain the reason(s) for the denial.
9. If PHA's Compliance Officer finds the request is unreasonable, it will not deny the petition. Instead, Compliance Officer shall initiate a dialogue with the disabled individual and project Administrator or landlord with the purpose of proposing and finding possible reasonable alternatives that could effectively meet the person's needs without imposing an undue burden.
10. All determinations will offer the family the right to revise the decision in an Informal Hearing directly with the agency or to file a complaint with the Office of Fair Housing and Equal Opportunity of the U.S. Department of Housing and Urban Development (Tel.: 787-766-5400 Ext. 2012; Fax: 787-766-5353; Parque Las Americas I 235 Federico Costa St. Suite 200 San Juan, PR 00918).

**E. Examples of Reasonable Accommodations are:**

1. Live-in aides.
2. Service, therapeutic and emotional assistance animals.
3. Accessible parking spaces.
4. Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA's staff.
5. Adjust our internal schedule and processes to receive and better accommodate the specific needs of the petitioner.

**Section 15. Live - In Aid (982.316)**

A. If the participant request includes one relative as live in aid, the household has certified that:

1. The live- in aid is qualified to provide the needed care.
2. The live- in aid was not part of the household prior to receiving program assistance.
3. There is no other reason for the aide to reside in the unit.
4. The aide and the participant will maintain separate finances.

**B. Eligibility and Screening of Live In Aid**

The Authority may refuse to approve a particular individual as the live in aid if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. The person commits drug related criminal activity or violent criminal activity; or  
The person currently owes rent or other amounts to the PHA or to another PHA in connection with Housing Choice Voucher Program or other public housing assistance under 1937 Act.

**Section 16. Interim Reexamination (982.516)**

To ensure that tenants pay rent in proportion with their ability to pay, the PHA requires tenants to report certain changes which occur between the regularly scheduled re-certifications. Changes that are required to be reported must be reported immediately after they become effective.

In addition, tenants may report any decrease in income or change in other factors (e.g., allowances) considered in calculating the tenant's rent. All tenants must notify the PHA, within 30 days:

- A. If any household member moves in or out of the unit.
- B. The intention to include a new member in the family composition (the inclusion of an adult new member in the family composition is considered by the PHA like a new admission).
- C. Increases in family income between re-certifications will be considered in the next regular scheduled re-certification, except when the income relates to a new member included in the family composition (in this cases all family income will be considered at the interim re-certification). Family Self Sufficiency (FSS) Program has exception of this part of the

policy, for FSS cases, income between re-certifications will be considered immediately, at an interim re-certification.

### **Section 17. Regular Examination of Family Income and Composition:**

The following provisions and procedures apply to the Housing Choice Voucher Program and to the Moderate Rehabilitation Program:

- A. Re-certifications will be scheduled to be effective on the following dates:
  1. Voucher Program (Tenant Based and Project Based Program): On the 1<sup>st</sup> day of the anniversary month of the Housing Assistance Payments (HAP) Contract.
  2. Moderate Rehabilitation Program: On the 1<sup>st</sup> of the month the tenant moved to the project.
- B. Written notice to all program participants will be provided upon re-certification in the order indicated below:
  1. (120 days) - Initial Notice
  2. (90 days) - Second and Last Notice
  3. (60 days) - HAP Termination Notice
  4. Confirmation of HAP Termination Notice
- C. Late Response to Re-certification Notice - Course of Actions
  1. An initial 120 days prior notice will be sent to the family requesting documentation and to schedule an interview. The tenant will be interviewed and all documents related to income, assets, family composition, and acceptable allowances will be requested.
  2. If the tenant has not responded to the initial notice within approximately 30 days of the date of the initial notice, the PHA will send the tenant a second notice as reminder informing him/her that his/her re-certification information is past due. A copy of these notices will be sent to the landlord(s). The second notice will include all the information given in the first reminder notice and will also state that if the tenant fails to respond to the PHA by the specified date, that is, 60 days before the effective date of the re-certification, the PHA will terminate tenant assistance payments on the re-certification date.
  3. If the tenant has not responded to the second notice, the PHA will send a third notification to the tenant, indicating the termination of the housing assistance payment (HAP) effective on the re-certification date due to his/her failure to respond to the re-certification notices.
  4. The policy and procedures to treat late responses to the re-certification notices and any extenuating circumstances that may be considered by the PHA in the re-certification process are included in section 22, below, "Extenuating Circumstances - Policy and Procedures".
  5. When the tenant submits the requested information or documents, the PHA will begin to compile them, assure for completeness, follow up on third party verifications, and initiate actions to verify the information furnished. The PHA will further prepare the form HUD-50058, "Family Report" if funds are available.

6. The HAP Contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

**Section 18. Extenuating Circumstances - Policy and Procedures:**

- A. If the tenant provides all the required re-certification information or documents after the expiration of the HAP Termination Notice, but before the 1<sup>st</sup> of the month before re-certification effective date, the PHA will inquire as to the reason(s) for the late re-certification. This is to determine if extenuating circumstances exist for the lateness, which may have prevented the tenant from responding by the cut-off date. If extenuating circumstances exist, the PHA must require from the family irrefutable evidence that corroborate the extenuating circumstances.
- B. Extenuating circumstances are considered only under limited circumstances; for example, the tenant's hospitalization, tenant out-of-town for family emergency, such as the death or severe illness of a child or parents, or for military personnel on overseas duty.
- C. The PHA must notify the tenant in writing as to whether or not the lateness is deemed extenuating circumstance and of his/her right to appeal the PHA's decision should the request for extenuating circumstance be denied.
- D. If the PHA determines that extenuating circumstances exist, the tenant assistance payment will not be terminated.
- E. If the PHA denies the extenuating circumstance(s) the tenant assistance payment will be terminated at re-certification date. The tenant may appeal the decision using the Informal Hearing Procedure. The tenant may have representation at the meeting, may present information for consideration and may respond to the information presented by others.
- F. If the PHA re-determination is favorable to the family, once the tenant submits the required information, re-certification process is completed, the new rent is calculated, notification of rent increase is provided, if applicable, and the new rent takes effect, all adjustments in housing assistance payments and the tenant's rent are made retroactive to the scheduled re-certification effective date.
- G. The PHA may consider extenuating circumstances policies to any discretionary matters included in this Administrative Plan.

**Section 19. Verification Procedures:**

**General [24 CFR Part 5, Subparts B, D, E and F; 982.158; 24CFR Part 5.617]**

All factors affecting eligibility for the Section 8 Program and calculation of total tenant payment, tenant rent and housing assistance will be verified by the PHA. PHA's staff will obtain written verifications from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

The FHA must use the Enterprise Income Verification (EIV) system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes.

In order to identify any discrepancies, the PHA will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, the PHA will use the most accurate and reliable source of income verification

The PHA will obtain proper authorization from the family before requesting information from independent sources.

#### **A. Methods of Verification and Time Allowed [24 CFR 982.516]**

1. The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:
  - a. Reported family annual income,
  - b. The value of assets,
  - c. Expenses related to deductions from annual income,
  - d. Other factors that affect the determination of adjusted income or income based rent.
2. All required information will be verified using three methods of verification in the following order:
  - a. **Third-Party - Written-** An original or authentic document generated by a third party source dated either within the 60-day period preceding the reexamination or PHA request date. Such documentation may be in the possession of the tenant or applicant or verifications received directly from the source. The PHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information. Current acceptable tenant-provided documents must be used for income and rent determinations. For new income sources or when two pay stubs are not available, the PHA should anticipate income based on the information from a traditional written third party verification form or the best available information. Documents older than 60 days (from the PHA interview/determination or request date) are acceptable for confirming effective dates of income.
  - b. **Third-Party - Oral -** This method requires an authorization form signed by the applicant or participant. A PHA staff member will verify by telephone the information required and records it on the form. PRFHA staff shall document in the tenant file, the date and time of the telephone call, the name of the person contacted and telephone number, along with the information. This verification method is used in the event that the independent source did not respond to the PHA's correspondence, e - mail and fax requests in a reasonable time frame, i.e., ten (10) business days.

- c. **Tenant Declaration** - The tenant submits a declaration of reported income and/or expenses to the PHA. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other verification techniques. When the PHA relies on tenant declaration, the PHA must document in the tenant file why third party verification was not available.

Verifications may not be more than 60 days old at the time of issuance of a voucher to a program applicant or a program participant. Therefore, a re-certification must be completed prior to issuance of a voucher for any program move in which the last re-certification was completed more than a 120 days prior to issuance of the voucher.

## **B. Acceptable Participant- Provided Documents**

Housing program participants have an obligation to the PHA to provide any letter or other notice, including any letter or notice from HUD that provides information concerning the amount of family income, per section 3(f) of the U.S. Housing Act of 1937, as amended. In support of the tenant's declaration of income, the PHA may review original (authentic) documents provided by the participant. The PHA should make a photocopy of the original document(s) and maintain the copy in the participant case file. The PHA should also document in the tenant file, the receipt, copy, and review the original (authentic) document. Below is a summary of some acceptable participant-provided documents.

- a. Consecutive and original pay stubs
- b. Social Security Administration award letter
- c. Bank statements
- d. Pension benefit statements
- e. Temporary Assistance to Needy Families (TANF) award letter
- f. Other official and authentic documents from a Federal, State, Local agency.

## **C. Up-Front Income Verification Techniques**

The PHA will make every effort to develop and implement use of up-front income verification methods to assist in accurately determining household income. Resources available for up-front income verification include the following:

1. **EIV System** - EIV System makes integrated income data available from one source, via the Internet, for PHAs to use to improve income verification during required income reexaminations.  
EIV increases the efficiency and accuracy of income and rent determinations, reduces incidents of underreported and unreported household income, removes the barriers to verifying tenant-reported income, addresses material weaknesses in a PHA's reexamination process and program operations and assures that more eligible families are able to participate in the program.

2. **SWICA (State Wage Information Collection Agencies)** - The Puerto Rico Department of Labor is a source of information on employers and reported wages. SWICA's can disclose wage information and whether an individual is receiving, has received, or has made application for unemployment compensation, and the amount of any such compensation. The PHA will make every effort to negotiate a Memorandum of Understanding with the Department of Labor to share this information electronically.
3. **The Work Number** - The Work Number is an automated services that provides controlled access to a national database of employment and income records. State and Federal agencies can have automated access to this information provided the employer's records are part of the Work Number. The PHA will utilize the service as available in Puerto Rico.
4. **Internal Revenue Service (IRS) Letter 1722** - Known as a tax account listing, this document shows the applicant/participants filing status, exemptions claimed, adjusted gross income, taxable income and taxed paid. Individuals can obtain their own listing by calling the IRS. The PHA will inform families with applicable taxable income identified through other sources, that they must provide this document on an annual basis.

**D. Projecting Annual Income When Upfront Income Verification (UIV) Data is Available**

The PHA will utilize the following HUD criteria to consistently and uniformly resolve income discrepancies between the up-front income verification data and information provided by the applicant/participant. HUD defines a *substantial difference* as one that is \$200 or more per month.

**1. UIV Income Data is Not Substantially Different than Tenant-Provided Income Information**

The PHA will utilize only the UIV verification documents and will not secure 3<sup>rd</sup> party verifications when there is no substantial difference between UIV and tenant-reported income. The following guidelines will be utilized to calculate annual income:

- a. If UIV income data is less than **current** tenant-provided documentation, the PHA will use tenant-provided documents to calculate anticipated annual income.
- b. If UIV income data is more than **current** tenant-provided documentation, the PHA will use UIV income data to calculate anticipated annual income **unless** the family provides the PHA with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the PHA will use tenant-provided documents to calculate anticipated annual income.

## **2. UIV Income Data is Substantially Different than Tenant-Provided Income Information**

In cases where UIV income data is substantially different than tenant-reported income, the PHA shall utilize the following guidelines:

- a. The PHA shall request written third party verification from the discrepant income source, in accordance with the criteria described in this section of this plan (24 CFR 5.236(3)(i).
- b. The PHA should review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the PHA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- c. The PHA must analyze all data (UIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.
- d. The PHA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.
- e. If the PHA is unable to anticipate annual income using current information due to historical fluctuations in income, the PHA will average amounts received/earned to anticipate annual income.
- f. If the tenant disputes UIV Social Security (SS)/ Supplemental Security Income (SSI) benefit data, the tenant shall provide a current, original Social Security Administration (SSA) notice or benefit letter within 10 business days of the PHA interview date.

### **E. Resources for Historical Income Data**

The following documents serve as resources for historical income data if such data is needed in determining annual income based on a substantial difference between UIV and reported income.

1. Social Security Earnings Statement (summary of gross earnings for each year that the participant has worked in his/her lifetime) may be obtained from the Social Security Administration. Request for this document may be done via mail or online at [www.ssa.gov](http://www.ssa.gov).
2. Two years of earnings may be obtained from the UIV System or local State Wage Information Collection Agency (SWICA). This information is not available to PHAs in States that the local SWICA has entered into an agreement with HUD to obtain wage and unemployment compensation data.
3. Last eight (8) amounts of Social Security benefits paid to a participant (or household member) may be obtained from the TASS or UIV system.

### **F. Release Of Information [24 CFR 5.230]**

All adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form. In addition, family members will be required to sign

specific authorization forms when information is needed that is not covered by the HUD form 9886. Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance based on violation of the family obligation to supply any information and to sign consent forms.

#### G. Items to be Verified [24 CFR 982.516]

The following information must be verified to determine initial program eligibility, to calculate total tenant payment, tenant rent and housing assistance and at each annual recertification of income.

1. All income not specifically excluded by the regulations.
2. Full-time student status including High School students who are 18 or over.
3. Current assets including assets disposed of for less than fair market value in preceding two years.
4. Childcare expense where it allows an adult family member to be employed or to further his/her education.
5. Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
6. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an adult family member to be employed.
7. Disability for determination of allowances or deductions.
8. U.S. citizenship/eligible immigrant status
9. Social Security Numbers for all family members over 6 years of age or older who have been issued a social security number.
10. Familial/Marital status when needed for head or co-head definition.
11. Verification of Reduction in Benefits for Noncompliance

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

#### H. Verification of Income, Assets and Allowances [24 CFR 982.516]

Verification will be conducted using the following procedures:

1. **Employment Income** - Verification forms request the employer to specify the Dates of employment; Amount and frequency of pay; date of the last pay increase; likelihood of change of employment status and effective date of any known salary increase during the next 12 months; bonus pay expected during next 12 months.

Acceptable methods of verification include, in this order: UIV SWICA statements; check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings; employment verification form

completed by the employer; W-2 forms plus income tax return forms; income tax returns signed by the family. Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income. In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent federal income tax statements.

2. **Social Security, Pensions, Supplementary Security Income (SSI), Disability Income** - Acceptable methods of verification include, in this order: EIV; benefit verification form completed by agency providing the benefits; award or benefit notification letters prepared and signed by the providing agency; computer report electronically obtained or in hard copy.
3. **Unemployment Compensation** - Acceptable methods of verification include, in this order: UIV SWICA statements; verification form completed by the unemployment compensation agency; computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts; payment stubs.
4. **Welfare Payments or General Assistance** - Acceptable methods of verification include, in this order: UIV on-line statements from State Welfare systems; verification form completed by payment provider; written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months; computer-generated Notice of Action; computer-generated list of recipients from Welfare Department.
5. **Alimony or Child Support Payments** - Acceptable methods of verification include, in this order: UIV on-line statements from Child Support agencies; copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules; an authorized written certification, acceptable to the PHA from the person paying the support; copy of latest check and/or payment stubs from Court Trustee. PHA must record the date, amount, and number of the check.

If payments are irregular or not received, the family must provide one of the following: a statement from the agency responsible for enforcing payments to demonstrate that the family has filed for enforcement; an authorized written certification, acceptable to the PHA from the family; a written statement from an attorney certifying that a collection or enforcement action has been filed.

6. **Net Income from a Business** - In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months. Acceptable methods of verification include: IRS Form 1040, including: Schedule C (Small Business); Schedule E (Rental Property Income); Schedule F (Farm Income); if accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules; audited or un audited financial statement(s) of the business; credit report or loan application; Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to

project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.

7. **Seasonal Income** - The official must make reasonable judgment as to the most reliable approach to estimating what the tenant or applicant will receive during the year.
8. **Recurring Contributions** - Authorized written certification, acceptable to the PHA from the person who provides the gifts which contains the following information: the person who provides the gifts; the value of the gifts; the regularity (dates) of the gifts and the purpose of the gifts.
9. **Zero Income Status** - Families claiming to have no income or insufficient income will be required to execute verification forms to determine that sources of income such as unemployment benefits, TANF, are not being received by the household. Households processed with zero income or insufficient income must complete the form for families with zero income or insufficient income for each recertification. Less than fifty dollars monthly for each member of the family composition are considered insufficient income.
10. **Full-time Student Status** - Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be counted towards family income. Financial aid for tuition payment, monthly payments, books, uniforms, school expenses, scholarships and grants received by full time students are not counted towards family income. Verification of full time student status includes: written verification from the registrar's office or other school official; school records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.
11. **Student Financial Aid** - Financial aid for tuition or school expenses will not be considered as income. For example: tuition payments, monthly payments, books, uniforms, etc.
12. **Savings Account Interest Income and Dividends** - Acceptable methods of verification include, in this order: account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution and broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification; IRS Form 1099 from the financial institution, provided that the PHA must adjust the information to project earnings expected for the next 12 months.
13. **Interest Income from Mortgages or Similar Arrangements** - Acceptable methods of verification include, in this order: a letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.); amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.
14. **Net Rental Income from Property Owned by Family** - Acceptable methods of verification include, in this order: IRS Form 1040 with Schedule E (Rental Income); copies of latest rent receipts, leases, or other documentation of rent amounts; documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank

statements or amortization schedules showing monthly interest expense; lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

15. **Family Assets** - The PHA will require information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash). Acceptable verification may include any of the following: verification forms, letters, or documents from a financial institution or broker; passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker; quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate; real estate tax statements if the approximate current market value can be deduced from assessment; financial statements for business assets; copies of closing documents showing the selling price and the distribution of the sales proceeds; appraisals of personal property held as an investment. When family assets are more than \$5,000, PHA use the greater of: actual income from assets; or a percentage of the value of such assets based upon the current passbook savings rate as established by HUD.
16. **Assets Disposed of for Less than Fair Market Value (FMV)** - For all certifications and re-certifications, The PHA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification. If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.
17. **Child Care Expenses** - Authorized written certification, acceptable to the PHA from the person who receives the payments is required. Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. The PHA will also request verification as to whether the certifying individual is a licensed childcare provider and advise the provider that such income may be reported to other sources including the IRS.
18. **Medical Expenses** - All expense claims will be verified by one or more of the methods: written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those will be reimbursed by insurance or a government agency; written confirmation by the insurance company or employer of health insurance premiums to be paid by the family; written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months.
19. **Assistance to Persons with Disabilities [24 CFR 5.611(c)]** - Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed. Family's certification as to whether they

receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

20. **Attendant Care:** Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided. Certification of family and attendant and/or copies of canceled checks family used to make payments.
21. **Auxiliary Apparatus:** Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment is needed.

#### I. **Verifying Non-Financial Factors [24 CFR 5.617(b)(2)]**

1. In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members. The following documents will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required: certificate of birth, naturalization papers; church issued baptismal certificate; U.S. military discharge (DD 214); or U.S. passport. Documents considered acceptable for the verification of legal identity for minors may be one or more of the following: certificate of birth; adoption papers; or custody agreements.
2. **Familial Relationships** - Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification. Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer. Verification of a separation may be a copy of court-ordered maintenance or other legal records. Verification of marriage status is a marriage certificate.
3. **Verification of Permanent Absence of Family Member** - If the family reports an adult member who was formerly a member of the household permanently absent, the following information must be presented as verification prior to removing any household member from the assisted household: legal evidence of divorce action; evidence of legal separation; order of protection/restraining order obtained by one family member against another; lease or rental agreement showing the individual listed as the member of another household; a document from a Court or correctional facility stating how long they will be incarcerated.
4. **Verification of Disability** - Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.
5. **Verification of Social Security Numbers [24 CFR 5.216]**  
Social Security numbers must be provided as a condition of eligibility for all family members. Verification of Social Security Numbers will be done through a Social Security Card, original document from the Social Security Administration indicating name, and the social security number of the person or original

document issued by a government entity indicating the Social Security number of the person.

- a. The PHA may accept other documents containing the SSN in lieu of a social security card only when for a good cause the social security card cannot be obtained by the applicant/participant. Other documents that PHA may accept are:
  - 1) Driver's license with SSN.
  - 2) Identification card issued by a federal, state, or local agency.
  - 3) Identification card issued by a medical insurance company or provider (including Medicare and Medicaid).
  - 4) Identification card issued by an employer or trade union.
  - 5) Benefit award letter from government agencies.
  - 6) Retirement benefit letter.
- b. In case you do not have a social security number or a valid document to verify the social security number, an alternate ID in PIC may be assigned in the following cases:
  - 1) Immigrants with no eligible citizenship status who do not have a social security number assigned.
  - 2) Inclusion in contract of persons from 0 to 5 years of age without a social security number assigned.
  - 3) SRO applicants (Hogar Amparo).
- c. Social Security Numbers of new family members including a child or children. If the participant's household adds a new member, the participant must submit the new member's Social Security Number at the time of the request for assistance or at the time of processing the interim reexamination/recertification of family composition.
- d. Participants or applicants with an assigned alternate ID will have 90 days to present a document that validates their Social Security number, with discretion given to the processing entity to extend this period for an additional 90 days.
- e. Applicants who cannot provide Social Security Numbers for all family members and do not qualify for an alternate ID, will retain their place on the waiting list for the program, however, all members of the household must provide appropriate documentation of his or her Social Security Number before the household is admitted into the program.
- f. Applicants receiving assistance under the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals have an exception. Such applicants have 90 days after admission into the program to provide appropriate documentation, with discretion given to the processing entity to extend this period for an additional 90 days.

J. **PHA quality control sample** - The PHA will perform an annual quality control sample of files for the universe of admissions and annual re-certifications in the last year (24 CFR

985.2 (b) to determine if the work documented in the files conforms to program requirements. The review will be performed by a PHA supervisor or by the person designated, other than the person who performed the original work.

## **Section 20 . Housing Quality Standards Inspections (982.401)**

The goal of HUD's program is to provide decent, safe and sanitary housing at affordable cost for lower income families. HUD regulations set forth basic standards which all units must meet before rental by program participants.

### **A. The Housing Quality Standards consists of the following 13 performance requirements:**

1. Sanitary facilities;
2. Food Preparation and refuse disposal;
3. Space and security;
4. Thermal Environment;
5. Illumination and electricity;
6. Structure and materials;
7. Interior air quality;
8. Water supply;
9. Lead based paint;
10. Access;
11. Site and neighborhood;
12. Sanitary condition;
13. Smoke detectors

HUD may grant approval to use acceptability criteria variations only if the change meets or exceeds the performance requirement and does not limit the amount of housing available at or below the market rent. Inspections are conducted based on these standards, using the Inspection Checklist contained in form HUD-52580. The Housing Inspection Manual for the Section 8 Existing Housing Program provides more detailed explanation and guidance.

### **B. Variations to HQS Acceptability Criteria**

Due to climatic conditions in Puerto Rico, the PHA has determined that wooden constructed houses will not be accepted under the Housing Choice Voucher Program. This type of housing is unsafe during hurricane season because most of these units do not comply with applicable construction codes and do not count with adequate insurance policies. Heating requirements neither apply in Puerto Rico.

### **C. Inspections to be performed by PHA:**

1. **Move-in-** Inspection to ensure that the unit passes HQS before assistance can begin;
2. **Annual-** Inspection to determine that the unit continues to meet HQS;
3. **Special-** Inspection as result of a complaint by tenant, owner or general public;

4. **Quality Control-** Inspection to assure that only units which meet HQS are approved and to catch inadvertent errors which may have been made by inspectors

#### **D. Move-in Inspections**

1. PHA or PHA will conduct the inspection within a reasonable time after the project certifies the unit is ready for inspection and occupancy for project-based programs; on tenant-based programs, an inspection shall be made when a family submits a Request for Tenancy Approval (including the tenant and owner's executed fulfilled pre-inspection checklist) and the unit is available for inspection. The PHA will do the best effort to complete the inspection within 15 days from any of these dates.
2. A unit must be vacant and ready for inspection, the utilities and equipment included in the rent must be connected or in place the day of the inspection, in order to check it. The owner is required to provide acceptable water heater in all units.
3. Owner or its representative will be notified of HQS violations personally at the end of the inspection and will be instructed to notify PHA when the unit is ready for re-inspection. In case of non-response, repeated cancelations, absence during a previously coordinated inspection, more than two consecutive failed inspections, or failure by owner to perform repairs within one month of the inspection may result in the cancellation of the tenancy approval or a delay in the HAPC execution, depending of the involved subsidy. Only units which comply with HQS will be considered for assisted lease.
4. In case of tenant-supplied appliances, such as refrigerator or stove, the family must receive written information about which types are not approvable in their briefing packages. Once the unit approves the HQS inspection, a telephone call is made as a reminder and the unit inspection record is documented. The lease may begin and the HAPC be executed. The appliances will be assessed during the next on-site inspection.
5. If at initial inspection the unit utilities are disconnected because they will be tenant-supplied, the unit will not pass the inspection because is considered inconclusive. In those cases, the inspector must seek additional information from the owner and/ or technical expert and request from him a written certification about the functionality of the electrical system and owner-supplied equipment. In the certification, the owner promises to correct any deficiency that tenant may find once the utilities are connected. With this certification on hand, the inspector changes the final rating from inconclusive to pass, the inspection is considered completed and the lease approval can occur. Within 30 days from the HAPC execution, the family must submit, from the concerned agency, evidence that the utilities were connected; and notify the owner any deficiency associated to the systems and/or owner-provided equipment.

#### **E. Annual inspections**

1. The annual inspections process includes scheduling the unit for inspection, notifying owners and tenants of the inspection date, conducting the inspection,

enforcing HQS requirements and when necessary, taking action to abate payments and terminate HAPC and program assistance. Inspections will be conducted within twelve (12) months of the previous inspection.

2. Written notification will be sent to tenants and owner with enough anticipation from inspection date. Although the presence of the owners during inspection will not be required, PHA will encourage them to do so, because their presence allows verifying the condition of the property, clarifying any doubt about the repairs to be done and take determinations about his contract.
3. The inspectors will record recommended improvements or items that should be brought to the attention of the owner, but are not HQS deficiencies. For such items, a correction period of thirty (30) days will be established. No re-inspection will be conducted to verify their solution. A certification signed by tenant in owner will be admitted as repair evidence.
4. At the end of the inspection, the inspector will issue a violation letter to the responsible party in case of emergency fails. It will be tracked by means of telephone calls. PHA will accept a certification received within 24 hours from the inspection date, signed by both, tenant and owner, as correction evidence, subject to a later on site verification.
5. The table that follows specify and describe the violations cataloged as emergency conditions:

**PUERTO RICO HOUSING FINANCE AUTHORITY  
SECTION 8 EXISTING HOUSING PROGRAMS  
LIST OF EMERGENCY HQS VIOLATIONS**

Inspectable Item	Observable Deficiency	DESCRIPTION
Health & Safety	Air Quality - Propane/Natural Gas/Methane Gas Detected	You detect <b>strong</b> propane, natural gas, or methane gas odors that could: 1- pose a risk of explosion/fire 2- pose a health risk if inhaled
Health & Safety	Electrical Hazards - Exposed Wires/Open Panels	You see exposed <b>bare wires</b> or openings in electrical panels. Note: If the accompanying authority has identified abandoned wiring, capped wires do not pose a risk and should not be recorded as a deficiency.
Health & Safety	Electrical Hazards - Water Leaks on/near Electrical Equipment	You see <b>water leaking, puddling, or ponding on or immediately near</b> any electrical apparatus. This could pose a risk of fire, electrocution, or explosion.
Outlets/Switches Electrical System	Missing Cover	A cover is missing, and <b>you see exposed electrical connections</b> .
Smoke Detector	Missing breaker/Fuses	You see an open breaker port. A single smoke detector is missing or does not function as it should.
Building Exterior	Missing/Inoperable	Any part of the fire escape--including ladders--is blocked, limiting or restricting people from exiting. Stored items or other barriers restrict or block people from exiting.
Windows	Blocked Egress	Security bars are not functioning as they should, limiting the ability to exit through the window and posing safety risks. This item <b>only</b> applies to <b>windows designed as a mean of egress</b> .
Fire Protection	Security Bars Prevent Egress	There is not an operable/non-expired fire extinguisher in the unit. This applies when fire extinguishers are required to be provided by owner in each unit or common area.
Utilities	Missing/damaged/Expired Fire Extinguishers	Unit not connected to public or other approvable water, sewer or electricity systems. This is inapplicable when systems are temporarily under repairs or maintenance by the corresponding service agency.
Utilities	Utilities not in service	

6. To determine if abatement is applicable on voucher program, PHA will re-inspect, during the prescribed time frame, all failed units to verify whether or not the HQS violations were resolved. On project-based programs, detailed work orders or certification, signed by both tenant and owner representative will be required. A unit sample may be inspected to corroborate information.

**F. PHA will Abate Housing Assistance under the Following Circumstances:**

1. When a life threatening violation (emergency) is not corrected within 24 hours of the inspection and PHA did not extend the time for compliance;
2. A routine violation is not corrected within 30 days of the inspection and PHA did not extend the time for compliance
  - a. Abatements will begin on the first of the month following the failure to comply. In cases where the owners failed to comply, a voucher to the family will be issued. The abatements will continue for two months prior to contract termination. The owners may correct the HQS violations and submit the corresponding evidence up to that date, however, the time the unit was out of compliance will not be reimbursed. A re-inspection will be conducted before re-establishing the HAP payments. The family must continue to pay its portion of the rent for the period in which remains in the unit.
  - b. If the tenant is absent during a previously coordinated inspection, the inspector will leave a letter indicating the new date when the unit will be visited for the last time. If tenant does not attend the inspection again, the tenant assistance will be abated by the inspector effective the first day of the next month. PHA will give him the opportunity to request an informal hearing.
  - c. Processes for informal hearings shall be governed as provided for in Section 22 (Informal Hearings for Participants (982.555) of this Administrative Plan.

**G. Special Inspections**

Violations resulting from complaint inspections will be treated in the same manner as annual inspections.

**H. HQS Quality Control Inspections**

PHA is responsible for the quality of the inspections performed to comply with Section 8 programs requirements. Inspections must include controls that allow the approval exclusively of those units satisfying housing quality standards (HQS). These controls also correct any involuntary mistakes made by the inspectors. The Housing Inspection Manual and 24 CFR, part 982, Section 8 Tenant Based Assistance, Housing Choice Voucher Program, Section 982.405, establishes the guidelines to perform this work.

1. The Manager will take a sample of the units assigned to the inspector and will coordinate the quality control inspections of those units. The unit sample is

established based on the particular program requirement, complying with the following criteria:

- a. Must contain units inspected by each inspector,
  - b. Should contain units inspected for each type of inspection,
  - c. Should contain units from each building type,
  - d. Should contain units that fail as well as units that pass
2. The quality control inspection will be regularly performed the same day the regular inspection takes place, by the Manager or Quality Control Inspector, using form HUD-52580-A, Inspection Checklist, taking in consideration the methods and behavior used by the inspector assessed.
  3. Only the Manager will compare the inspections made by the inspector with his own or Quality Control Inspector's inspections and write a report indicating any discrepancies found as result. The report will be circulated to all inspectors, and all necessary adjustments (training, discussion with inspector, providing additional technical materials, etc.) will be taken, if necessary.

## **Section 21. Informal Review Procedures for Applicants (982.554)**

### **A. Overview**

Informal reviews are be available for applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a minimum hearing requirement. Regulations regarding informal reviews are included in 24 CFR 982.554.

### **B. Notice, Scheduling and Informal Review**

1. The PHA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.
2. A request for an informal review must be made in writing and delivered to the PHA either in person, by fax, or by first class mail, no later than 10 business days from the date of the letter notifying the PHA's denial of the assistance.
3. The PHA must schedule and send written notice of the informal review within 10 business days of the family's request.
4. The family may request to reschedule a review for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a review must be made orally or in writing at least 48 hours in advance of the scheduled review time. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the review.
5. If the family does not participate in the review at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within two (2) business days of

the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

6. The informal review must be conducted by a person other than the one who made or approved the decision under review, preferably a supervisor, if one is available.
7. The family will have the opportunity to present written or oral objections to the decision of the PHA.

### **C. Informal Review Decision [24 CFR 982.554(b)]**

1. The PHA must notify the applicant of the PHA's final decision, including a *brief statement* of the reasons for the final decision.
  - a. The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 15 business days of the informal review.
  - b. If the decision to deny is overturned as a result of the informal review, processing for admission will resume.
  - c. If the family fails to participate in their informal review, the denial of admission will stand and the family will be so notified.
  - d. If admission is denied due to unfavorable history that may be the result of domestic violence, dating, or stalking an informal hearing must be offered to the applicant as regulated in the next section.

## **Section 22. Informal Hearings for Participants (982.555).**

### **A. Overview**

The PHAs must offer an informal hearing for certain determinations related to the individual circumstances of a participant family, or for applicants when admission was denied because of citizenship issues, or when admission was denied due to unfavorable history that may be the result of domestic violence, dating violence, or stalking.

The PHA will only offer participants the opportunity for an informal hearing when required to by the regulations.

### **B. Notice, Scheduling and Informal Hearing**

1. The PHA must give a family prompt notice of a decision of terminating assistance. The notice must contain a brief statement of the reasons for the PHA's decision, and must also state that the participant may request an informal hearing of the decision. The notice must describe how to request the informal hearing, the right to examine the participant's file, and the right to be represented by a lawyer or other representative. The participant must notify in writing the request to examine the file, with at least two (2) days prior to the hearing. A participant may request

copies in whole or part, of the file, at its own costs, according to the PHA's regulations.

2. A request for an informal hearing must be made in writing and delivered to the PHA either in person, by fax, or by first class mail, by the close of the business day, no later than ten (10) business days from the date of the letter notifying the PHA's termination of assistance. The applicant may be accompanied by a lawyer, in which case he shall notify the PHA with five (5) working days in advance to the informal hearing, his intention to be represented by a lawyer.
3. The PHA must schedule and send written notice of the informal hearing within ten (10) business days of the family's request.
4. The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which **seriously** affects the health, safety or welfare of the family. Requests to reschedule a hearing must be **made and approved**, orally or in writing, at least forty eight (48) hours in advance of the scheduled hearing time. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.
5. If the family does not participate in the hearing at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within two (2) business days of the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can demonstrate good cause for the failure to appear, or **if it is needed** as a reasonable accommodation for a person with disabilities. If not the decision to terminate shall become final.
6. The informal hearing must be conducted by a person other than the one who made or approved the decision subject to the hearing.
7. The family will have the opportunity to present written or oral objections to the decision of the PHA.
8. The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.
9. The person conducting the hearing will make a recommendation to the PHA, but the PHA is responsible for making the final decision as to whether assistance should be terminated.

### C. Informal Hearing Decision [24 CFR 982.554(b)]

1. The PHA will notify the applicant of the final decision, including a brief statement of the reasons for the hearing and a statement explaining the grounds(s) for the decision. The notice will be mailed within 15 business days of the informal hearing, to the participant and his or her representative, if any, with proof of mailing.
2. The notification must include information regarding the process to request a review and reconsideration of the decision.

3. If the family fails to participate in their informal hearing, the denial of admission will stand and the family will be notified.

#### **D. Request for the Reconsideration or Review of the Decision**

1. The party adversely affected by the PHA's decision may submit a written petition for reconsideration to the PHA within ten (10) calendar days after the notification by mail of the letter notifying the decision. The PHA shall consider the petition for reconsideration within ten (10) calendar days of filing. If the PHA makes a determination upon the merits of the petition for reconsideration, the term to petition for judicial review shall commence as of the date of the notification by mail of the final determination. If the PHA takes no action with respect to the petition for reconsideration within ten (10) calendar days of filing, the petition for reconsideration shall be deemed to have been denied outright and the term for judicial review shall commence to run as of that date.
2. The party adversely affected by the PHA's final decision (in reference to the previous paragraph) may submit a written petition for review before the Court of Appeals within ten (10) calendar days after the notification by mail of the letter denying the assistance requested, or within ten (10) calendar days after the expiration of the term provided to the PHA to consider the petition for reconsideration. The reconsideration and judicial review procedure provided herein shall be the exclusive proceeding to review the merits of a decision by the PHA. **Other regulations regarding formal or informal adjudicatory proceedings are not applicable.**

#### **E. Restrictions on Assistance to Noncitizens**

The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

#### **Section 23. Policies concerning repayment by a family or owner to the PHA**

- A. **Collection Policies:** When a family or an owner, are indebted to the PHA due to overpayment of program funds, the PHA may use a variety of collection tools to recover debts including, but not limited to:
1. Requests for the payment of the total amount of the overpaid program funds.
  2. Repayment agreements (Payment Plans)
  3. Referral to collection agencies
  4. Referral to credit bureaus

\*A combination of the alternatives may be used.

## B. Repayment Agreements for Families:

1. A repayment agreement, as the term is used in this plan, is a legally binding document between the PHA and the family that contains in detail the nature of the debt, the terms of repayment, any special provisions pertaining to the negotiation with the family and the legal remedies available to the PHA in case of default. Requirements:
  - a. All repayment agreements must be in writing, dated, signed by both the family and the PHA,
  - b. Must include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions:
    - 1) The monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the PHA.
    - 2) The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
    - 3) Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.
    - 4) The maximum amount for a prepayment agreement must not exceed \$4,999.00
    - 5) An initial payment of the amount of the total debt may be requested at the execution of the repayment agreement. The initial payment amount must be computed on a case by case basis.
    - 6) The monthly payment will be determined according to the financial means of the family, considering its monthly adjusted income.

### 2. Late payments:

A payment must be considered in arrears if the payment was not received by the close of business of the 15<sup>th</sup> day of the month.

### 3. Debts due to misrepresentation or no reporting of information (fraud)

When a family, either by a single act or pattern of actions, submits a false statement, conceals or omits a substantive fact, with intent to deceive or mislead, and this acts result in payments of program funds in violation of program requirements, the PHA must:

- a. Make all legal efforts to recover the debt, including if necessary referring to legal counsel, for the following actions:
- b. Legal collection of the debt,
- c. If the debt is \$5,000.00 or higher, the case must be submitted to the office of the Inspector General of HUD,

- d. Referral to local law enforcement authorities for a criminal investigation and its possible prosecution.

### **C. Owner debts to PHA**

If the PHA determines that the owner has retained housing assistance or claim for payments not entitled to:

1. The PHA may reclaim the amounts from future housing assistance or claim payments owed to the owner for any units under contract.
2. The PHA may require the owner to pay the total amount within 90 days, and if not collect through all legal means.
3. The PHA may require or approve the execution of a payment agreement.
4. If the debt is \$5,000.00 or higher, the case must be submitted to the office of the Inspector General of HUD,
5. The PHA may refer to local law enforcement authorities the case for a criminal investigation and a possible prosecution.

### **Section 24. Utilities**

As a general rule be required to cover family expenses of electricity and potable water if the house has independent counters. Utilities must be in the name of an adult member of the family composition.

### **Section 25. Payment Standards (982.503)**

The payment standard for the Voucher Program will be the 110% of HUD published fair market rent, for each market area in Puerto Rico for each unit size.

### **Section 26. Minimum Rent:**

The PHA has determined that minimum rent will be \$50 for all cases except the SRO that will be 0 (24 CFR 982.508).

### **Section 27. Reasonable Rent: Initially and During the Term of HAP Contract (982.507)**

- A. The PHA must ensure that rents paid to owners under the Voucher Program are reasonable. This allows the maximization of available funds and avoids excessive payments to participating owners, without adversely affecting market rents on the whole. In addition, our customers receive more quality housing options.
- B. HUD requires determining fair market rents before a Rent Subsidy Contract is signed; approving rent increases to owners; whenever a 5% or more diminishing occurs in Fair Market Rents according to HUD and whenever the latter consider it necessary.
- C. In order to comply with HUD requirements, a data bank for private market rents is necessary to compare it with any fair rent we determine. For instructions PHA use HUD's

#### D. Rent Reasonableness Method

1. The PHA's Housing Inspector, while inspecting the unit, gathers information about the inspected unit and fills the *Rent Reasonableness Data for Program Unit* questionnaire. With this information, the Valuation Analyst, selects from the Authority's data bank, three comparable rents of non-subsidized units located on the same area as the unit being inspected. Then, compares them against the subject using the following comparison factors:
  - a. Location
  - b. Quality
  - c. Size
  - d. Type of unit
  - e. Construction date
  - f. Amenities
  - g. Housing services
  - h. Maintenance
  - i. Utilities
2. The outstanding factors when comparing rents are:
  5. Unit's location
  - b. Number of bedrooms
  - c. Type of unit
3. If there are not at least three comparable rents on the data bank, then additional search is made using sources such as:
  - a. Classified Ads
  - b. Visits to surrounding areas
  - c. Real estate companies
4. All new information should be incorporated into a data bank to be kept up-to-date and numbered.
5. Once the housing unit inspection is realized, the Rent Reasonableness Checklist should be completed along with the inspection findings to document PHA decision. This document provides information about the subject, the market comparable rents, utilities excluded in rent, disclosure of adjustments made, the final contract rent determination, who conducted the rent reasonableness analysis and when.

The manager will select annually a random sample from participating files to certify that all rent determinations are consistent with existing procedures and properly documented in the files.

**Section 28. Security Deposit Amounts Owed by Tenants:**

The owner may collect a security deposit, but in no event it will be in excess of one month contract rent.

**Section 29. Policies for Special Housing Types 982.601 -982.43**

The PHA shall not permit the use of shared housing in its Section 8 Programs.

**Section 30. Section 8 Project-Based Vouchers - Project Selection Policy**

A. **General Provisions** - The purpose of this Selection Policy is to provide the PHA with a written guideline for the fair and equitable treatment of all organizations submitting proposals to participate in the Section 8 Project-Based Vouchers Project Program ("PBV"), in accordance with 24 CFR Part 983. The Authority will comply with the provisions hereby described to select the projects developments to be awarded assistance under the Section 8 Project-Based Voucher Program.

It is the intent of the PHA to award assistance through the PBV to newly constructed projects developments only. The selection process will be through the request for proposals (RFP) method. The 25 percent per building cap will be enforced in the request for proposal, except as provided in paragraph (b) of 24 CFR Section 983.56, in wish a 50 percent per building cap will be enforce as permitted in paragraph (c) (1) of 24 CFR Section 983.56. The PHA will not attach or pay PBV assistance for units in the types of housing described in 24 CFR Part 983.53.

B. **Public Notice Requirements** - The PHA will advertise in a newspaper of general circulation that it will accept proposals for specific projects / developments. Prior publication, the public notice will be approved by the HUD local field office. The public notice will:

1. Specify an application deadline of at least 30 days after the date the advertisement is published;
2. Specify the number of units the PHA estimates will be able to assist under the funding it is making available for this purpose;
3. State that only applications submitted in response to the advertisement will be considered; and
4. Inform that the Project Selection Policy will be available to the public.

C. **Owner Application** - The owner's application submitted to the PHA must contain the following:

1. A description of the housing to be constructed.
2. Number of unit by size (square footage) with bedroom and bathroom count.

3. Sketches of the proposed new construction, unit plans, listing of amenities and services, and estimated date of completion.
4. Evidence of site control.
5. Identification and description of the proposed site, site plan and neighborhood.
6. Architect's certification that proposed construction complies with HQS, local codes and ordinances, and zoning requirements.
7. Evidence that construction has not begun.
8. The proposed contract rent per unit, including an indication of which utilities, services and equipment are included in the rent and which are not included.
9. Entity that will manage and maintain the units (Management Agent)
10. Pro-forma financial statements certified by the project's proposed Management Agent.
11. A statement identifying the following:
  - a. The identity of the owner and other project principals and the names of officers and principal members.
  - b. Proposed Sources and Uses of Funds. For the new construction of the project/development.
  - c. The project/development complies with 24 CFR Part 983.57 - Site Selection Standards (For new Construction)
  - d. The project/development complies with the accessibility requirements of Section 504 of the Rehabilitation Act of 1973.
  - e. The proposed term of the HAP contract (Up to ten year initial term).
  - f. Demand Analysis.

**D. Unit Selection Policy** - The PHA will consider the following factors and give the following scores to each of them in the selection of the submitted proposals or applications:

**1. Project Location (Up to 105 points)**

- a. Up to 40 points: Projects located on or near the following mass transportation facilities: existing ATI Urban Train Stations, central hubs for Metropolitan Bus Authority buses (AMA for its Spanish acronym) or public car terminals. Points will be awarded according to distance in meters to the center of the aforementioned facilities, as follows:
  - 1) 40 points: Projects located within a 100 meter radius from the center of the station or terminal.
  - 2) 25 points: Projects located within a 250 meter radius from the center of the station or terminal.
  - 3) 15 points: Projects located within a 500 meter radius from the center of the station or terminal.
- b. 25 points: Projects located within the urban core areas (Centros Urbanos) recognized formally by the different Municipalities. Points will be awarded only if a certification from the Municipality is submitted with the application

attesting to the fact that the project lies within the current delimitation map. Copy of the official delimitation map is also required.

- c. Up to 40 points: Projects located near existing public or private hospital facilities. The facilities to be considered will be strictly: 1) general hospitals as defined by the Puerto Rico Department of Health pursuant to Article III, paragraph 21 of "Secretary of Health's Regulation Number 112 to Regulate the Evaluation Process for the Issuance of Convenience and Necessity Certificates", but excluding the term "specialized" from its last sentence, and 2) Treatment and Diagnostic Centers (Centros de Diagnóstico y Tratamiento or "CDT's" for their Spanish acronym) as defined in Article III, paragraph 7 of the aforementioned regulation. No other type of medical facility will be considered. Points will be awarded according to distance in meters to the center of the aforementioned facilities, as follows:

- 1) 40 points: Projects located within a 100 meter radius from the center of the facility.
- 2) 25 points: Projects located within a 250 meter radius from the center of the facility.
- 3) 15 points: Projects located within a 500 meter radius from the center of the facility.

**2. Project Characteristics (Up to 25 points)**

- a. 25 points: Project bedroom's distribution is at least 75% 2 bedroom units or more.
- b. 15 points: Project bedroom's distribution is at least 50% 2 bedroom units or more.

For purposes of the percentage computation, units targeted for the elderly will not be counted even if they are 2 or more bedrooms units.

**3. Experience (Up to 50 points)**

- a. 25 points: Qualification and experience of owner and other project principals in low income projects.
- b. 25 points: Management Agent can demonstrate successful past experience in the management of Project Based Voucher Program units.

**4. Readiness to Proceed (Up to 40 points) Readiness to begin Construction will be Evidences by:**

- a. 40 points: Unexpired Construction Permit issued and approved by OGPE or an Autonomous Municipality, as the case may be.
- b. 25 points: Unexpired Notification of Approval of the Construction Permit issued and approved by OGPE or an Autonomous Municipality, as the case may be.

- c. 15 points: Preliminary Development issued and approved by OGPE or an Autonomous Municipality, as the case may be.

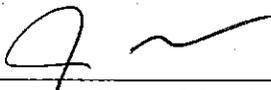
5. **Supportive Services (Up to 30 points)**

- a. 30 points: Project provides adequate supportive services for the targeted population, at lower or no cost to occupants.

**E. Evaluation Committee**

1. A Committee composed by a team of at least three (3) members previously appointed by the Executive Director of the PHA will evaluate the proposals submitted. The proposals submitted after the dead line informed in the Request for Proposal, will not be considered.
2. The Committee will analyze all proposals received and will verify for completeness. All proposals shall contain the above mentioned required documents. Any incomplete proposal will be rejected and the proponent will be informed in writing not later than 30 days after the committee evaluation.
3. The Committee will then evaluate all the proposals that are complete and will assign a score according to the factors established in the PHA selection policy. The proposal will be selected from the highest score to the lowest, until the amount of units determined by the PHA is assigned.
4. The PHA will send written notices to all proponents indicating whether or not they were selected and the score assigned to their proposals. The written notification will be delivered not later than thirty (30) days after the conclusion of the evaluation process.

Approved on April 20, 2016



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José A. Sierra Morales  
Executive Director