

<b>Streamlined Annual PHA Plan</b> <i>(High Performer PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 03/31/2024
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** The Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																										
A.1	<p> <b>PHA Name:</b> <u>Los Angeles County Development Authority</u>      <b>PHA Code:</b> <u>CA002</u>  <b>PHA Type:</b> <input checked="" type="checkbox"/> High Performer  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/2022</u>  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> <u>2,962</u>      <b>Number of Housing Choice Vouchers (HCVs)</b> <u>25,772</u>  <b>Total Combined</b> <u>28,734</u>  <b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> Annual Submission      <input type="checkbox"/> Revised Annual Submission         </p> <p> <b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.         </p> <p> <input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below)         </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th rowspan="2" style="width: 25%;">Participating PHAs</th> <th rowspan="2" style="width: 10%;">PHA Code</th> <th rowspan="2" style="width: 25%;">Program(s) in the Consortia</th> <th rowspan="2" style="width: 20%;">Program(s) not in the Consortia</th> <th colspan="2" style="width: 20%;">No. of Units in Each Program</th> </tr> <tr> <th style="width: 10%;">PH</th> <th style="width: 10%;">HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																	
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**B. Plan Elements**

**B.1 Revision of Existing PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission?

- Y N
- Statement of Housing Needs and Strategy for Addressing Housing Needs.
  - Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
  - Financial Resources.
  - Rent Determination.
  - Homeownership Programs.
  - Safety and Crime Prevention.
  - Pet Policy.
  - Substantial Deviation.
  - Significant Amendment/Modification

(b) If the PHA answered yes for any element, describe the revisions for each element below:

The following sections of the LACDAs Elements were revised:

**Statement of Housing Needs and Strategy for Addressing Housing Needs.**

The Section 8 program currently has a waiting list of 37,228 applicants, of which 45% are black, 30% are white, 6% are Asian, and 19% listed Other. 29% of applicants reported Hispanic ethnicity and 16% did not disclose an ethnicity. About 30% of those on the waiting list are elderly and 30% are disabled. The amount of time spent on the waiting list often varies and can be as long as 14 years.

The Public Housing program currently has a waiting list of 24,685 applicants, of which 42% are African American, 27% are White, 12% are Asian, 1% are American Indian, 1% are Pacific Islander, and 17% identified as 'Other', or declined to state. Approximately 42% of public housing applicants are elderly, and 13% are non-elderly disabled. The waiting period for public housing applicants is about three to five years, depending on household member size.

The LACDA provides a homeless admissions preference countywide limited to 30% of the number of vacant general occupancy public housing units available on July 1<sup>st</sup> of each Fiscal Year. Since 2016, the LACDA expanded its homeless preference to include 100% of all South Scattered Sites (SSS) family vacancies, and are first offered to homeless applicants through a Los Angeles Homeless Service Authority (LAHSA) Memorandum of Understanding (MOU). Additionally, the LACDA provides an expanded waiting list homeless general occupancy preference, limited to 3 households per housing development at, Carmelitos, Nueva Maravilla, and Harbor Hills.

The LACDA has a homeless preference for the Carmelitos, Nueva Maravilla “Rosas” and Francisquito Villa senior designated properties. 25% of anticipated annual vacancies will be offered to homeless elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA.

To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies, or Community Based Organizations (CBOs) with a contract or MOU in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family’s homeless status.

In August 2013, HUD approved LACDA’s submittal to designate 7 public housing senior developments as housing for elderly families. The U.S. Census Bureau projects that the elderly in California will have an overall increase of 112 percent from 1990 to 2020. Los Angeles County mirrors this trend. Through senior designation, the LACDA addresses the specific and growing housing needs of the elderly.

Additionally, the LACDA offers senior support services at various senior housing developments. On September 01, 2020, the LACDA received a 2- year extension for this senior designation, in compliance with PIH Notice 2010-28 (HA).

In fy 2020-2021, various Americans with Disabilities Act (ADA) improvements were completed at various sites. The ADA improvements completed included, but were not limited to, various sidewalks and parking lots at Harbor Hills, Monica Manor, and 107<sup>th</sup> Street; and will resume the completion of rehabilitated kitchens at Carmelitos (Phase IV), Herbert, Francisquito Villa, and Marina Manor once COVID-19 restrictions are lifted.

In 2012, a 504 Compliance Evaluation Report was completed for the following public housing Senior/Disabled developments; Marina Manor, Foothill Villa, Orchard Arms, West Knoll, Palm Apartments, and South Bay Gardens. The LACDA has included recommendations from the 504 Compliance reports in its Capital Fund Five-Year plan. In Fiscal Year 2021-2022, a new 504 Compliance Evaluation Report will be completed for all Public Housing Senior/Disable developments.

### **Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions**

#### **Section 8**

In accordance with 983.260(b), the LACDA's Housing Choice Voucher program is required to give priority for continued tenant-based assistance to a project-based family that chooses to terminate their lease after the first year of occupancy, has given the owner advanced written notice of their intent to vacate, and has notified the LACDA and requested to move with continued tenant-based assistance, prior to moving and only if in good standing with the Project-Based unit owner.

The Housing Choice Voucher's waiting list local preferences for admission are as follows, with families of veterans or current members of the armed forces receiving priority in each category:

1. Families previously assisted by the LACDA whose assistance were terminated due to insufficient funding;
2. LACDA will commit 50% of expected annual voucher attrition to assist Los Angeles County-based homeless families, as follows:
  - Up to 90% of referral applications may be received from an approved Coordinated Access System and/or local service provider that assists homeless families participating in a transitional or permanent supportive housing program.
  - Up to 5% of referral applications may be received from an approved local service provider assisting homeless elderly families.
  - Up to 5% of referral applications may be received from an approved local service provider assisting homeless Transitional Aged Youth (TAY) that are enrolled in an institution of higher education.Applicants must meet all eligibility requirements. Admission will be on a first come, first served basis and is subject to funding availability.
3. LACDA rental assistance program transfers approved by the Executive Director from the following programs.
  - Families that are currently served by the LACDA in a Continuum of Care funded, permanent supportive housing project and no longer need supportive services to maintain housing stability. To be eligible for consideration, the current participant must be in good standing in LACDA's Continuum of Care Permanent Supportive Housing Program projects. The sponsor agency providing services to the participant family must provide written certification that the family does not requires permanent supportive housing services to maintain housing stability.

- Youth that are currently served in the Family Unification Program (FUP) administered by the LACDA whose FUP voucher is expiring due to the 36- month statutory time limit. To be eligible for consideration, a written certification must be received from the Los Angeles County Department of Children and Family Services (DCFS) certifying that the youth will have a lack of adequate housing as a result of the expiration of FUP voucher and needs a tenant-based voucher to ensure uninterrupted housing assistance.
- Families that are currently served by the LACDA Housing Opportunities for Persons with AIDS (HOPWA) funding.

All program transfer preference applicants must meet eligibility requirements for the HCV program in accordance with HUD and this plan.

4. Families who live or work in the jurisdiction who are approved by the Executive Director for admission as victims of a declared disaster, displaced due to a government action or a law enforcement referral;
5. Families that are homeless and are found eligible for a Violence Against Women Act, Emergency Transfer from the LACDA's Housing Assistance Division and Housing Operations Division rental assistance programs, subject to funding availability.
6. Elderly households who live and/or work in the LACDA's jurisdiction. Elderly households must meet the definition of an elderly family and the residency requirements of Section 4.4.1.
7. All other families who live or work in the LACDA's jurisdiction.

Once admission preferences have been applied, families will be selected from the waiting list in order of preference and then by date and time. Further information on the LACDA's administration of the Housing Choice Voucher waiting list and application process may be found by referencing Chapters 3 and 4 of the Administrative Plan and Chapter 21 for project-based vouchers.

### **Public Housing**

There are 13 SBWLs comprised of 6 waiting lists for families and 7 senior-only site-based waiting lists. The LACDA's 6 SBWLs for families are currently closed since December 17, 2015 at 4:00 p.m. The 7 senior-only SBWLs were opened on February 10, 2020, at 8:00 a.m. The 7 senior-only SBWLs will close on June 30, 2021 at 5:00 p.m.

Currently, the LACDA selects applicants from the waiting list in accordance with its policies in Chapter 3. The preferences for admission are as follows, with families of veterans or current members of the armed forces receiving priority in each category:

The LACDA has established the following local admissions preferences for general occupancy developments:

In accordance with the State of California Health and Safety Code, section 34322.2, the LACDA gives priority to families of veterans and servicepersons within each of the admissions preference categories below, including the spouse/marital-type partner of a deceased veteran or serviceperson.

#### **First Preference: Homeless**

##### **Homeless Families and Victims of Domestic Violence:**

The LACDA provides a countywide waiting list preference for homeless families. The preference is limited to 30% of the number of vacant general occupancy public housing units available on July 1 of each fiscal year. The family must consist of two (2) or more persons with one (1) member being under the age of 18 or be a single elderly and/or disabled person. Victims of domestic violence, dating violence, sexual assault or stalking receive the same admissions preference as homeless families.

The LACDA expanded its homeless preference to include 100% of all South Scattered Sites (SSS) family vacancies throughout the year are first offered to homeless applicants through a Los Angeles Homeless

Service Authority (LAHSA) Memorandum of Understanding (MOU). Additionally, the LACDA provides an expanded waiting list homeless general occupancy preference, limited to 3 households per housing development at Carmelitos, Nueva Maravilla, and Harbor Hills.

To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status.

### **Transitional Aged Youth (TAY):**

The LACDA provides a homeless preference to TAY. This preference is limited to 3 households per housing development at Carmelitos, Harbor Hills, and Nueva Maravilla, where on-site services are available to ensure that case management will continue to be provided. In order to qualify for the TAY, the applicant must be referred to the LACDA by the Los Angeles Homeless Services Authority (LAHSA).

Second Preference: Families that have been displaced by a natural disaster declared by the President of the United States or through a governmental action.

Third Preference: Families who live and/or work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program.

Fourth Preference: Families that do not live or work in unincorporated Los Angeles County.

The LACDA has a Memorandum of Understanding (MOU) with the Long Beach Housing Authority to permit residents of the City of Long Beach to be classified as in-jurisdiction applicants for housing at the Carmelitos Public Housing development only. Once the LACDA provides public housing assistance to a City of Long Beach resident at the Carmelitos Public Housing development, the resident must abide by and is governed by all policies in the LACDA's Admissions and Continued Occupancy Policy, Public Housing Lease Agreement ("Lease"), any Lease addendums and any other Public Housing rules and policies. Additionally, these residents are eligible to transfer to any other Public Housing development owned by the LACDA. Approval of a transfer request is delineated in Chapter 7 "Transfer Policy".

### Elderly Families Housing Developments

The LACDA has established the following local admissions preferences for elderly-only housing developments:

In accordance with the State of California Health and Safety Code section 34322.2, the LACDA gives priority to families of veterans and servicepersons including the spouse/marital-type partner of a deceased veteran or serviceperson, within each of the admissions preference categories below.

First Preference: For the Carmelitos, Nueva Maravilla "Rosas" and Francisquito Villa senior designated properties, 25% of anticipated annual vacancies will be offered to homeless elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA. The referring agency must provide a certification of the elderly family's homeless status. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Second Preference: Elderly Families that live and/or work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program.

Third Preference: Elderly Families who do not live and/or work in unincorporated Los Angeles County.

**Financial Resources**

Financial Resources: Estimate FY 2021-2022 Planned Sources and Uses		
Sources	Planned \$	Planned Uses
<b>1. Federal Grants</b>		
a) Public Housing Operating Fund	\$9,393,962	
b) Public Housing Capital Fund	\$7,300,000	
c) HOPE VI Revitalization	\$0	
d) HOPE VI Demolition	\$0	
e) Annual Contributions for Section 8 Tenant-Based Assistance (Account 3111 – Only HAP002)	\$348,000,000	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	\$0	
g) Resident Opportunity and Self-Sufficiency Grants “Family Self-Sufficiency”	\$760,394	
h) Community Development Block Grant	\$2,150,000	
i) HOME	\$0	
Other Federal Grants (list below)		
Telemedicine	\$0	
Continuum of Care	\$320,453	
HOPWA	\$487,000	
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
<b>3. Public Housing Dwelling Rental Income</b>	\$13,848,214	
<b>4. Other income (list below)</b>		
Tenant Charges	\$29,400	
Interest Income	\$223,500	
<b>5. Non-federal sources (list below)</b>		
	\$0	
<b>Total resources</b>	<b>\$382,512,923</b>	

**Rent Determination**

**Section 8**

The LACDA currently uses separate Payment Standards (PS) for its Housing Choice Voucher (HCV) Program, Veterans Affairs Supportive Housing (VASH), Program and the Emergency Housing Voucher (EHV) Program. The HCV program’s PS is set at just below 110 percent of the published Federal Fiscal Year (FFY) 2022 Fair Market Rents (FMRs) for all bedroom sizes. While the PS for the EHV program is set at or just below 120% of the FFY 2022 FMRs for all bedroom sizes., and with exception PS authorization, the VASH Program’s PS is set at just below 120% of the FFY 2021 PS for all bedroom sizes.

Below are the LACDA’s PS amounts for HCV, EHV, and VASH:

HCV

BDR	SRO	0	1	2	3	4	5	6	7
PS	\$1,141	\$1,522	\$1,764	\$2,248	\$2,962	\$3,226	\$3,710	\$4,194	\$4,678

EHV

BDR	SRO	0	1	2	3	4	5	6	7
PS	\$1,245	\$1,660	\$1,924	\$2,452	\$3,231	\$3,519	\$4,047	\$4,575	\$5,103

VASH

BDR	SRO	0	1	2	3	4	5	6	7
PS	\$1,232	\$1,643	\$1,926	\$2,470	\$3,282	\$3,578	\$4,115	\$4,652	\$5,189

**Public Housing**

Residents have an obligation to report to the LACDA if there is an additional/resuming source(s) of income for any eligible family member, change in existing income, change in expenses or the addition of a family member to the household. Failure to report within 10 calendar days of the occurrence is a material breach of the Public Housing Lease Agreement. The LACDA’s policy is not to raise rent between annual recertification’s except in the cases the cumulative amount exceeds \$200.00 a month, a new/resuming income is reported, a change in family composition and/or if a family requests an interim to be processed.

**Homeownership Programs**

The LACDA Section 8 or Public Housing programs do not offer a homeownership program.

**Safety and Crime Prevention**

In 1993, the LACDA established the first of its kind Community Policing Program (CPP) in public housing through contracts with the Los Angeles County Sheriff’s Department and the Long Beach Police Department. The CPP is a comprehensive approach that addresses crime in public housing in partnership with law enforcement, the LACDA management and residents. Successful CPP strategies that have been employed include enforcement, crime prevention, and youth intervention. This nationally recognized program has demonstrated a 70% reduction in crime since program inception at the three (3) largest family public housing developments.

**Pet Policy**

**A service animal** is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A resident who requests for a service animal does not require a submittal of a reasonable accommodation verification form as delineated in Chapter 1. The LACDA may only ask whether the animal is a service animal required due to a disability, and what tasks the animal has been trained to perform.

**Executive Summary**

The ACOP and Administrative Plan include language changes that are statutory, regulatory, and/or that clarify existing policy. Additionally, the LACDA is proposing the following major changes to the Public Housing and Section 8 Tenant-Based Programs for Fiscal Year (FY) 2022-2023.

Below are the proposed major policy changes for the Public Housing Program.

**1. Expansion of Waiting List Jurisdiction**

Currently, In-Jurisdiction applicants only include applicants that live and/or work in unincorporated Los Angeles County, with one exception. Long Beach residents are considered In-Jurisdiction for the Carmelitos Public Housing development, under the current Memorandum of Understanding (MOU) with the Housing Authority of the City of Long Beach. All other applicants that live and/or work in other Housing Authority jurisdictions in the County of Los Angeles with active traditional

and non-Public Housing rental assistance programs are considered Out-Of-Jurisdiction and generally will not be served.

Now, “families/elderly families who live and/or work in unincorporated Los Angeles County” will change to “families/elderly families who live and/or work in unincorporated Los Angeles County - or who live in Los Angeles County and not covered by another PHA Public Housing program”. This will expand LACDA’s preference to incorporate applicants who live in the County that do not currently have a reasonable chance of accessing Public Housing. This would require establishing MOU’s with 15 other Los Angeles County PHAs, and an updated MOU with Long Beach so that Long Beach residents would be considered In-Jurisdiction for Public Housing outside of Carmelitos.

## **2. Conducting Annual Reexaminations Online Only**

Currently, the LACDA, at its own discretion conducts family annual re-examination interviews by mail or in person.

As of July 1, 2022, the LACDA will require that families conduct their annual reexamination online via the LACDA’s online portal, referred to as the Yardi Rent Café Portal.

For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

## **3. Transitional Aged Youth Preference (TAY)**

Currently, the LACDA does not have a TAY preference, but did have one in the past to support a limited number of TAY households.

Now, the policy will establish a maximum of five households per development at the Carmelitos, Harbor Hills, Nueva Maravilla, and South County (20 max) housing developments. Because on-site services are reduced, we would work with the Department of Children and Family Services (DCFS) to ensure services are available beyond TAY program participation. Applicants would be referred to LACDA by a Joint Powers Authority, County Agency, or Community Based Organization with a contract or MOU with the LACDA (e.g. DCFS).

## **4. Additions to the Lease**

Currently, the LACDA allows the following persons to be added to the lease (same as Administrative Plan):

- Spouse/marital-type partner and the minor children of that person
- Minor child of the head of household, co-head, spouse/marital-type partner who has been living elsewhere
- Adult child due to recent discharge from the military
- A disabled adult parent or child of the head of household/co-head who requires disability-required care.

Now, the LACDA will add the following:



- Former household members may be considered for reinstatement within 120 days after their move out. Former household members must have left in good standing and are subject to criminal background screening and suitability requirements.
- Former household members that were removed from the household while attending an educational institution may be reinstated upon completion of their education program, with verification. Written verification from the registrar’s office will be required. Verification must include ongoing and consecutive enrollment status or an approved and/or authorized leave per the educational institution, or evidence of completion. Former member must have left in good standing and are subject to criminal background screening and suitability requirements.

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Below are the proposed major policy changes for the Section 8 Tenant-Based Programs.

**1. Setting and Applying Payment Standards**

Currently, the Administrative Plan is limited to only the administrative requirements for reviewing and setting the required payment standard schedule.

Given the LACDA’s adoption of exception payment standard schedules for multiple programs and under reasonable accommodation, the Administrative Plan will now include HUD’s permissible Payment Standard exceptions and each exception’s regulatory requirements.

As required by HUD, the Administrative Plan will now include the LACDA’s policies and procedures for when there are changes in the payment standard. When the LACDA revises the payment standard during the term of the Housing Assistance Payments (HAP) contract for a family’s rental unit, the LACDA will apply the payment standard in accordance with HUD requirements.

As directed by HUD under the implementation of the HCV Mobility Demonstration Program for Fiscal Year 2022 – 2023, the LACDA may adopt the use of Small Area Fair Market Rents (SAFMR) in select opportunity areas. Discretionary policies governing the SAFMR will be made in consultation and under the approval of HUD.

**2. Rent Reasonableness Determinations**

Currently, as part of the rent reasonableness determination process, Section 8 program regulation requires the LACDA to have owners certify that the rent charged to the family is not more than the rent charged for other unassisted comparable rental units. To do so, the LACDA requires an owner to submit an entire rent ledger, also referred to as a rent roll, when the subject rental unit is in a building with two or more rental units.

To streamline the process, the LACDA will no longer require an owner to submit an entire rent ledger when the subject rental unit is in a building with two or more rental units. Instead, if the rental unit is located in a multifamily property (defined by HUD as consisting of five or more units on the premises), the owner will be required to provide information on their three most recently leased unassisted rental units of like or similar characteristics to the subject rental unit. This streamlined process is consistent with HUD’s request for information via the Request for Tenancy Approval form.

To facilitate the collection of the information, the LACDA will require that owners submit the necessary information via the LACDA’s Request for Tenancy Approval and Rent Increase forms. In the case of a HUD or LACDA required action, the LACDA reserves the right to request more

information from the owner anytime a determination or re-determination of rent reasonableness is necessary at the commencement, or during the term of the HAP Contract.

### **3. Conducting Annual Reexaminations Online Only**

Currently, the LACDA, at its own discretion conducts family annual re-examination interviews by mail or in person.

The LACDA will now require that families conduct their annual reexamination online via the LACDA's online portal, referred to as the Yardi Rent Café Portal.

For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

### **4. Family Unification Program**

Currently, the LACDA administers the Family Unification Program (FUP) in partnership through an MOU with DCFS, who are responsible for referring FUP families and youths to the LACDA for rental assistance. As of March 1, 2022, the LACDA, in partnership with DCFS, will administer Foster Youth to Independence (FYI) vouchers.

To bring transparency to the FUP program administration and include the administration of the FYI vouchers, the LACDA has now included the following clarifications and policies in its FUP Chapter 18:

- **Waiting List Administration:** Included the referral process and applicant placement and selection from the waiting list.
- **Eligibility:** Clarified that DCFS certifies eligibility of selected families and youths and refers them to the LACDA for rental assistance eligibility determination under the Section 8 HCV program's requirements.
- **Denial of Participation:** Clarified that the family must remain FUP-eligible from the referral phases through lease-up.
- **Voucher Issuance:** Clarified that the bedroom size voucher to be issued to the FUP household will be based upon the number of family members, including the minor children who are to be reunified with the family.
- **Termination of Assistance and Tenancy:** Clarified that FUP rental assistance issued to an emancipated youth is limited to a maximum of 36 months. And clarified that, if the case plan has been changed, and re-unification of the family may not occur within a reasonable time period, as per verification received from the DCFS, the family may be terminated from the FUP.

### **5. Implementation of the Housing Choice Voucher Mobility Demonstration Program**

In April of 2021, HUD announced that the LACDA in partnership with the Housing Authority of the City of Los Angeles (the PHAs) were selected to participate in the national HCV Mobility Demonstration Program. The LACDA was awarded 37 vouchers and has committed to use 19 turn-over HCVs for families under the program. In addition, 594 currently participating HCV program

families with at least one child aged 13 and under will be selected at random and invited to participate. The program HCV Mobility Demonstration duration is five years.

The HCV Mobility Demonstration builds upon recent research that shows growing up in neighborhoods with lower levels of poverty improves children's academic achievement and long-term chances of success and reduces intergenerational poverty. The HCV Mobility Demonstration will support the PHAs in addressing barriers to accessing housing choices by offering mobility-related services to increase the number of vouchered families with children living in opportunity areas.

In addition to offering mobility-related services, participating PHAs will work together in their regions to adopt administrative policies that further enable housing mobility, increase landlord participation, and reduce barriers for families to move across PHA jurisdictions through portability.

Administrative policies will include, but are not limited to the following:

- Adopt the required waiting list preference and update the PHA Plan and Administrative Plan to incorporate the preference.
- Work together with HUD to finalize mobility-related services, opportunity areas, and other components of the demonstration.
- Work with HUD to adopt adequate payment standards in opportunity areas; and
- Sign an MOU and a performance standards agreement with HUD to indicate agreement with the finalized program design, services, opportunity areas, and other components of the demonstration.

In anticipation of HUD's program implementation for Fiscal Year 2022 – 2023, and for public transparency, the LACDA has reserved and made the appropriate HCV Program Mobility Demonstration notations in the following sections of its Administrative Plan:

- Section 4.3.2 Targeted Funding: The inclusion of the administration of the Mobility Demonstration Voucher Program as a targeted category.
- Section 4.4. Local Preference: Mobility Demonstration Voucher Program will be listed as local preference #3. The admissions preference will be limited to families with at least one child aged 13 and under that live in census tracts with a family poverty rate of 30 percent or higher.
- Section 4.4.1 Other Preferences and Section 1.3 Addition of Programs: New sections to disclose HUD required LACDA actions and approvals when the LACDA must provide certain preferences or target certain populations as a condition of receiving funding, or if specific preferences or targeting is required to meet the conditions of a particular Annual Contributions Contract (ACC) or HUD grant.
- Chapter 23: New chapter that will include the Mobility Demonstration Program's administrative policies and mobility related services.

Given HUD's forthcoming implementation date, and as provided by the HCV Program Administrative Plan regulations and new section 1.3 Addition of Programs, the LACDA will implement the applicable policies and procedures as required by HUD's HCV Mobility Demonstration for participation in the program (and as may hereby be approved by your Board) into this plan as if they were originally set forth herein. Specifics on the program will be added to the HCV Program Administrative Plan by no later than the next scheduled revision.

(c) The PHA must submit its Deconcentration Policy for Field Office Review.

## DECONCENTRATION POLICY

### Section 8

At the voucher briefing, families are encouraged to search for housing in non-impacted areas. The LACDA provides assistance to families that wish to do so.

The assistance provided to such families includes: Direct contact with owners; Counseling with the family; Providing information about services in various non-impacted areas; Meeting with neighborhood groups to promote understanding; Formal or informal discussions with owner groups; Formal or informal discussions with social service agencies; Meeting with rental referral companies or agencies; and Meeting with fair housing groups or agencies.

The LACDA currently contracts with Emphasys Computer Solutions, an internet-based housing search service. This service, part of the LA County Housing Resource Center, lists rental properties submitted by owners within its jurisdiction to ensure greater mobility and housing choice to very low-income households. Each property listed indicates if it is in an area of low poverty concentration.

The LACDA also maintains a listing of job, education, transportation and other information for cities not impacted by poverty or minority concentration. The cities for which the LACDA maintains this information are: Alhambra; Azusa; Bellflower; Covina; Downey; Lakewood; Lawndale; Lomita; Paramount; Santa Fe Springs; West Covina; West Hollywood; Whittier. This information may be obtained at the Section 8 Administrative Office.

### Public Housing

The LACDA's admission policy is designed to provide for de-concentration of poverty and income-mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments.

A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

### De-concentration and Income-Mixing Goals

The LACDA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families," will be to admit higher income families to lower income developments, and lower income families to higher income developments.

De-concentration will apply to transfer families, as well as applicant families.

### Development Designation Methodology

The LACDA will determine on an annual basis the average income of all families residing in general occupancy developments.

The LACDA will then determine whether each general occupancy development falls above, within, or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the LACDA-wide average income for general occupancy developments.

The LACDA will then determine whether or not developments outside the EIR are consistent with local goals and strategies in the LACDA Agency Plan.

The LACDA may explain or justify the income profile for these developments as being consistent with and furthering two sets of goals:

1. Goals of de-concentration of poverty and income mixing (bringing higher income residents into lower income developments and vice versa); and
2. Local goals and strategies contained in the LACDA's Agency Plan.

#### De-concentration Policy

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in the PHA Plan, the LACDA shall adhere to the following policy for de-concentration of poverty and income mixing in applicable developments.

Skipping a family on any of the thirteen waiting lists to reach another family in an effort to further the goals of the LACDA's de-concentration policy:

If a unit becomes available at a development below the EIR, the first eligible family on a waiting list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

If a unit becomes available at a development above the EIR, the first eligible family on the waiting list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

Skipping of families for de-concentration purposes will be applied uniformly to all families.

A family has the sole discretion whether to accept an offer of a unit made under the LACDA's de-concentration policy. The LACDA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under this de-concentration policy. However, the LACDA shall uniformly limit the number of offers received by applicants, described in this Chapter.

The LACDA provides a waiting list preference to homeless families referred by the agencies listed in this Chapter. Only the veteran/serviceperson and homeless preferences can override de-concentration and income mixing policies.

If the average incomes of all general occupancy developments are within the EIR, the LACDA will be considered in compliance with the de-concentration agreement.

Nothing in the de-concentration policy relieves the LACDA of the obligation to meet the income targeting requirements.

#### The LACDA Incentives for Higher Income Families

The LACDA may offer certain incentives to families with incomes above the EIR willing to move into a development with average income below the EIR.

<p><b>B.2</b></p>	<p><b>New Activities.</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA’s current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p> <p style="text-align: center;"><b>Project-Based Vouchers</b></p> <p>The LACDA is planning to convert up to 400 additional tenant-based vouchers to project-based vouchers (PBVs) through Notice Of Funding Availability (NOFA) 27-A that is scheduled to be released in mid-December of 2021, to projects that were previously selected through a competitive process, which allows the LACDA to commit PBVs in accordance with 24 CFR 983.51. The LACDA has awarded 579 additional PBVs through NOFA 26-A to projects located in Unincorporated Los Angeles, Altadena, Huntington Park, Cudahy, Lancaster, and Montebello. 100% of these projects are dedicated to housing the homeless, with subpopulations consisting of persons with mental illness, veterans, seniors, and victims of domestic violence. Additionally, the LACDA has committed 115 project-based Veterans Affairs Supportive Housing (VASH) vouchers to 2 housing developments at the VA Medical Center located in West Los Angeles. Converting tenant-based vouchers to PBVs is necessary to increase the stock of affordable housing for special needs populations who face increasing barriers trying to find housing in the area’s private rental market.</p> <p style="text-align: center;"><b>Units with Approved Vacancies for Modernization</b></p> <p>For the current Fiscal Year, the LACDA has units with approved vacancies under Modernization, and is consistent with the PHA Plan and HUD’s approval process.</p>
<p><b>B.3</b></p>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA’s progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p><b>1. IMPROVE THE AVAILABILITY AND QUALITY OF LACDA HOUSING OBJECTIVES:</b></p> <ul style="list-style-type: none"> <li>• EXPLORE WAYS TO INCREASE HOUSING OPPORTUNITIES FOR TARGET POPULATIONS (I.E. CHRONICALLY HOMELESS, SPECIAL NEEDS FAMILIES, TRANSITION AGED YOUTH)</li> </ul> <p>In December 2020, the LACDA received an additional 500 VASH Program vouchers from the US. Department of Housing and Urban Development (HUD). These vouchers will be used to house veterans experiencing homelessness in Los Angeles County. In 2021, the LACDA applied for and received new voucher allocations for multiple tenant-based assistance programs. The LACDA received 73 Family Unification Program (FUP) vouchers for the Foster Youth to Independence Initiative to assisted foster youth aging out of the foster system and 37 vouchers for its Mobility Demonstration Program. Lastly,</p>

the LACDA was allocated 1,964 Emergency Housing Vouchers, which will be used to assist families experiencing homelessness in Los Angeles County.

- CONTINUE TO PRESERVE AND MAINTAIN PUBLIC HOUSING AND AFFORDABLE HOUSING PORTFOLIOS

The LACDA administers 1,745 Project-Based Vouchers (PBV) across 48 properties. The LACDA has 1,733 additional PBVs in the pipeline across 35 projects, which are expected to become operational over the next 3 years. 694 of these PBVs were committed in CY 2021 through NOFA 26-A, and outside of the NOFA by way of a previous competition that allows the LACDA to issue PBVs in accordance with 24 CFR 983.51.

The LACDA is planning to convert up to 400 additional tenant-based vouchers to project-based vouchers (PBVs) through Notice of Funding Availability (NOFA) 27-A that is scheduled to be released in mid-December and to projects that were previously selected through a competitive process.

The LACDA is in the process of analyzing options for converting Public Housing to Rental Assistance Demonstration (RAD) in order to leverage assets to maintain sites. Currently, the LACDA is reviewing the RAD conversion at a site-based level and preparing to meet with residents for the proposed RAD conversion.

- CONTINUE PUBLIC HOUSING SECURITY IMPROVEMENTS

Since January 2020, the LACDA has upgraded the Carmelitos and Harbor Hills housing developments from NUUO digital systems to Exacqvision systems. The LACDA also installed integrated viewing software for all three large LACDA housing developments. The LACDA will install a new CCTV system at the Ocean Park housing development and is currently upgrading all existing analog CCTV systems to digital countywide.

- PURSUE MOVING TO WORK DESIGNATION

Currently, the LACDA is not eligible for the Moving To Work (MTW) designation. MTW was authorized by Congress in 1996 with three statutory goals: achieve greater cost-effectiveness; promote economic self-sufficiency; and, increase housing choices for low-income families. The “Consolidated Appropriations Act, 2016” allowed for the expansion of the current 39 MTW agencies by an additional 100 agencies but the number of large housing agencies that could be granted MTW status was limited, excluding the LACDA from applying for consideration. The LACDA will continue to advocate for MTW eligibility.

## **2. PROMOTE SELF-SUFFICIENCY AND PROVIDE SUPPORTIVE SERVICES OBJECTIVES:**

- INCREASE THE NUMBER AND PERCENTAGE OF EMPLOYED PERSONS

The LACDA regularly promotes its Family Self-Sufficiency (FSS) Program to encourage families to pursue goals of increased education, training, and employability. These goals lead to increased employment among our program participants. During FY 2020-2021, the FSS program provided an estimated 18,868 job referrals/resources. In addition, an estimated 6,312 job fair and/or work-source related referrals were provided to HCV and Public Housing participants. During FY 2020-2021 an average of 53% of HCV and 59% of Public Housing participants remained employed during their participation in the FSS program.

The LACDA was awarded the Jobs Plus Program grant for the Carmelitos Public Housing development located in Long Beach, CA. The Jobs Plus program supports work readiness and connects public housing residents with employment, education, and financial empowerment services, and an evidence-based model proven to help public housing residents find and keep jobs.

On February 21, 2017, the Los Angeles County Board of Supervisors adopted a motion that directed the LACDA and the Workforce Development, Aging and Community Services (WDACS) to develop a plan to expand employment opportunities for public housing residents. The LACDA's efforts have resulted in eleven (11) public housing residents hired by its service related vendors or construction contractors, 66 new family enrollees in its Family Self-Sufficiency economic independence program, and 208 residents signed up for a work-ready database that facilitates matching to available job opportunities.

- PROVIDE SUPPORTIVE SERVICES TO IMPROVE RECIPIENTS' QUALITY OF LIFE AND EMPLOYABILITY.

During FY 2020-2021, the LACDA experienced some success in improving outcomes for FSS participants. Even during a global pandemic, the LACDA was able to graduate 31 FSS participants, with an average escrow account disbursement of \$11,988.50

The LACDA's operations during the COVID-19 pandemic required the LACDA's FSS program to temporarily suspend person-to-person interactions with FSS participants. This led the LACDA's FSS coordinators to work more electronically, via email and other electronic means, with FSS participants to provide the supportive services needed to improve FSS program success. FSS coordinators have conducted much of their client contact over the phone. The combination of email and phone correspondence has sustained the LACDA's FSS Program operations during the COVID-19 pandemic. As a result, for FY 2020-2021 the LACDA'S FSS program participants have amassed a total escrow account balance of \$476,439.01

- INCREASE THE NUMBER OF PARTICIPANTS IN THE FAMILY SELF-SUFFICIENCY PROGRAM

The LACDA FSS Program generated a series of One Call Now Recruitment phone calls to all Housing Choice Voucher (HCV) participants. A FSS Program recruitment flyer was mailed to all HCV participants as part of the annual re-examination packet. In total, 47 new participants enrolled in the FSS program (45 HCV and 2 Public Housing).

- PROVIDE SERVICES TO INCREASE INDEPENDENCE FOR ELDERLY OR FAMILIES WITH DISABILITIES

The LACDA partnered with the Los Angeles County Health Agency, via a Memorandum of Understanding (MOU) effective March 11, 2020, to receive referrals and supportive services for its Mainstream voucher assisted families. The Health Agency combines the Los Angeles County Departments of Mental Health, Health Services, and Public Health agencies. Via the MOU, the Health Agency, when necessary, will coordinate with local service providers that have the training, experience, and qualifications to provide supportive services for non-elderly families with disabilities. The Health Agency will continue to make available Intensive Care Management Services to each housed client, which assist the families with keeping current with their rent and bills in order to keep the family from returning to homelessness

The Libertana Assisted Living Waiver Program continues to operate in 3 housing development locations - Orchard Arms, Lancaster Homes, and South Bay Gardens. There is a total enrollment of 40 older adult participants, receiving 24-hour services. Services include identification of home health assistance, transportation services, health and wellness education and social/cultural activities. Libertana is a valued partner these services serve as a cost-avoidance of over 2-million dollars for the LACDA.



- PARTNER WITH COMMUNITY-BASED ORGANIZATIONS TO PROVIDE EDUCATIONAL, PREVENTION, AND INTERVENTION ACTIVITIES

The LACDA partnerships are the key to enhancing services for residents. The LACDA focuses on partners in the faith-based community, educational institutions, and local businesses, Los Angeles County Departments such as the Department of Mental Health and the County Library, and non-profit agencies. The LACDA's most recent partnerships with the YMCA and Boys and Girls Club, will showcase enriched after school programs at both Carmelitos and Harbor Hills. These services include the Arts, Academics, and Athletics. The LACDA currently collaborates with over 30 partners whom support our mission.

### **3. REDUCE HOMELESSNESS IN LOS ANGELES COUNTY OBJECTIVES:**

- CONTINUE TO STRENGTHEN AND DEVELOP MEASURES THAT ARE IN LINE WITH THE LOS ANGELES COUNTY BOARD OF SUPERVISORS HOMELESS INITIATIVES PLAN AND MEASURE H ACTIVITIES.

As a response to the COVID-19 pandemic, on May 10, 2021, the LACDA was selected by HUD to receive a new allocation of 1,964 Emergency Housing Vouchers (EHV), through funding authorized by the American Rescue Plan Act of 2021. These EHV's were made available beginning July 1, 2021 for families and persons that are homeless or at risk of homelessness. As is the current practice with the Section 8 program, the referrals were required to be fulfilled through the Los Angeles County Coordinated Entry System, which is managed through the Los Angeles Homeless Services Authority. Vouchers allocated for the EHV Program are used to provide rental assistance to families experiencing homelessness, at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, and recently families who recently experienced homelessness and for whom providing rental assistance will prevent the return to homelessness and housing instability.

With the LACDA's new allocation of EHV's for families experiencing homelessness, the LACDA will continue its commitment to the homeless by prioritizing 50% of its voucher attrition to families experiencing homelessness. For its homeless efforts, Los Angeles County officials continue to fund the purchase of additional motels/inns using a combination of COVID-19 relief funds and state funding from Project Home Key, a follow-up to a program known as Project Roomkey that temporarily sheltered the most vulnerable members of the county's homeless population in hotel rooms.

Also in 2021, the LACDA has offered 400 PBVs to developers and has committed 115 project-based Veterans Affairs Supportive Housing (VASH) vouchers to 2 housing developments at the VA Medical Center.

Since 2016, the LACDA expanded its homeless preference to include 100% of all South Scattered Sites (SSS) family vacancies throughout the year are first offered to homeless applicants through a Los Angeles Homeless Service Authority (LAHSA) Memorandum of Understanding (MOU). Additionally, the LACDA provides an expanded waiting list homeless general occupancy preference, limited to 3 households per housing development at Carmelitos, Nueva Maravilla, and Harbor Hills.

To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status.

The LACDA has a homeless preference for the Carmelitos, Nueva Maravilla "Rosas" and Francisquito Villa senior designated properties. 25% of anticipated annual vacancies will be offered to homeless

elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA. Additionally, the LACDA provides a homeless admissions preference countywide limited to 30% of the number of vacant general occupancy public housing units available on July 1<sup>st</sup> of each Fiscal Year.

- EXPLORE METHODS TO REDUCE RECIDIVISM FOR HOMELESS PARTICIPANTS HOUSED BY THE LACDA.

The LACDA offers case management services through its employees to all families to assist them in retaining their housing and achieving self-sufficiency. Eligible families are also offered participation in the FSS program.

Recognizing the specific need for more intensive case management for our previously homeless families, on December 18, 2018, Imagine LA co-located to one of LACDA's SSS properties. Imagine LA's professional staff provides intensive case management and supercharges it with mentorship and access to private and public resources. SHIELDS for Families is also co-located to one of the LACDA's SSS properties to provide resources to families in need of services such as but not limited to; good housekeeping, healthy relationship information/classes, drug and alcohol programs, job training, interview tips, food and other resources.

- PARTNER WITH OTHER COUNTY AGENCIES TO IDENTIFY AND PROVIDE SUPPORTIVE SERVICES TO THE HOMELESS AND AT-RISK POPULATIONS.

The LACDA partnered with the Los Angeles County Health Agency, via a Memorandum of Understanding (MOU) effective March 11, 2020, to provide referrals and services for its Mainstream voucher assisted families. The Health Agency combines the Los Angeles County Departments of Mental Health, Health Services, and Public Health agencies. Via the MOU, the Health Agency, when necessary, will coordinate with local service providers that have the training, experience, and qualifications to provide supportive services for families with disabilities. The Health Agency's contracted agency shall continue to make available Intensive Care Management Services to each housed client.

In addition to partnering with the Los Angeles Homeless Services Authority (LAHSA), the LACDA collaborates with the Homeless Outreach Program Integrated Care System (HOPICS), Department of Children and Families Services (DCFS), Imagine LA, SHEILDS for Families, the Watts Labor Community Action Committee (WLCAC), Department of Health Services (DHS) and Department of Mental Health (DMH). This core team provides supportive services to our previously homeless families and strategizes on a monthly basis on improving the homeless initiative program to ensure that our families thrive.

In addition, the LACDA partnered with DCFS to invite the 18 PHAs within the Southern California area to a meeting on an available funding opportunity for TAY and provided technical assistance to those that qualify for the FUP TAY award.

**B.4. Capital Improvements.** Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.

See HUD Form 50075.2 submitted to HUD on 07/30/202004/15/2021. HUD acknowledged receipt on 08/04/202004/15/2021. Approval issuance delayed as a result of the COVID 19 pandemic.

<b>B.5</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<p><b>C. Other Document and/or Certification Requirements.</b></p>	
<b>C.1</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N  <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>See Attachment A - RAB Comments</p>
<b>C.2</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD-50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.3</b>	<p><b>Civil Rights Certification/Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</b></p> <p><a href="#">Form 50077-ST-HCV-HP</a>, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i> must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.4</b>	<p><b>Challenged Elements.</b> If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N  <input type="checkbox"/> <input type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>
<p><b>D. Affirmatively Furthering Fair Housing (AFFH).</b></p>	
<b>D.1</b>	<p><b>Affirmatively Furthering Fair Housing.</b></p> <p>Following HUD’s suspension of its Affirmatively Furthering Fair Housing (AFFH) rule in 2018, the State of California still required its PHAs to continue with pursuing the goals they had previously established to meet this federal requirement. Since at this time PHAs are not required to submit an Assessment of Fair Housing, the LACDA continued to track its progress on meeting its AFFH goals listed below in Attachment B of this plan.</p> <p>Goals:</p> <ul style="list-style-type: none"> <li>• Promote Lower Rates of Crime</li> <li>• Enhance Accessible Housing and Supportive Services To Persons With Disabilities</li> <li>• Create Viable Communities</li> <li>• Promote Healthy Communities</li> <li>• Promote More Affordable and Accessible Housing</li> </ul>

- Promote Understanding and Knowledge Of Fair Housing And Ada Laws
- Enhance Employment Opportunities
- Facilitate Access to Proficient Schools
- Promote Facilities and Services For The Homeless
- Enhance Transit Services
- Other Fair Housing Goals

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.

**Fair Housing Goal:**

*Describe fair housing strategies and actions to achieve the goal*

**Fair Housing Goal:**

*Describe fair housing strategies and actions to achieve the goal*

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*Describe fair housing strategies and actions to achieve the goal*

# Instructions for Preparation of Form HUD-50075-HP Annual Plan for High Performing PHAs

## A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type, and the Availability of Information, specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23(4)(e))

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

## B. Plan Elements.

### B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

**Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a).)

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

**Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions.** Describe the PHA’s admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA’s policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. (24 CFR §903.7(b)) Describe the PHA’s procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists. (24 CFR §903.7(b)) A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. (24 CFR §903.7(b)) Describe the unit assignment policies for public housing. (24 CFR §903.7(b))

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

**Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d))

**Homeownership Programs.** A description of any homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. For years in which the PHA’s 5-Year PHA Plan is also due, this information must be included only to the extent that the PHA participates in homeownership programs under section 8(y) of the 1937 Act. (24 CFR §903.7(k)) and 24 CFR §903.12(b).

**Safety and Crime Prevention (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

**Pet Policy.** Describe the PHA’s policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

**Substantial Deviation.** PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

**Significant Amendment/Modification.** PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the ‘Sample PHA Plan Amendment’ found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see [24 CFR 903.2](#). ([24 CFR §903.23\(b\)](#))

**B.2 New Activities.** If the PHA intends to undertake any new activities related to these elements or discretionary policies in the current Fiscal Year, mark “yes” for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark “no.”

**HOPE VI.** 1) A description of any housing (including project name, number (if known) and unit count) for which the PHA will apply for HOPE VI; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI is a separate process. See guidance on HUD’s website at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/hope6](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6). ([Notice PIH 2011-47](#))

**Mixed Finance Modernization or Development.** 1) A description of any housing (including name, project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD’s website at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/hope6/mfph#4](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4)

**Demolition and/or Disposition.** With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA’s last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD’s website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm). ([24 CFR §903.7\(h\)](#))

**Conversion of Public Housing under the Voluntary or Mandatory Conversion programs.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD’s website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. ([24 CFR §903.7\(j\)](#))

**Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Assistance or Project-Based Vouchers under RAD. See additional guidance on HUD’s website at: [Notice PIH 2012-32 REV-3, successor RAD Implementation Notices, and other RAD notices.](#)

**Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers. ([24 CFR §983.57\(b\)\(1\)](#)) If using project-based vouchers, provide the projected number of project-based units and general locations and describe how project-basing would be consistent with the PHA Plan.

**Units with Approved Vacancies for Modernization.** The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with [24 CFR §990.145\(a\)\(1\)](#).

**Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

**B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.7\(r\)\(1\)](#))

**B.4 Capital Improvements.** PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. ([24 CFR §903.7\(g\)](#)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: “See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX.”

**B.5 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. ([24 CFR §903.7\(p\)](#))

## C. Other Document and/or Certification Requirements

**C.1 Resident Advisory Board (RAB) comments.** If the RAB had comments on the annual plan, mark “yes,” submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

**C.2 Certification by State of Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#)). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

**C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; or 24 CFR 5.160(a)(3) as applicable (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further

fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations. impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

**C.4 Challenged Elements.** If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

#### **D. Affirmatively Furthering Fair Housing.**

##### **D.1 Affirmatively Furthering Fair Housing.**

The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' ... PHA Plans (including any plans incorporated therein) .... Strategies and actions must affirmatively further fair housing ...." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless, the PHA will address its obligation to affirmatively further fair housing by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 7.02 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

**ATTACHMENT A**  
**Resident Advisory Board (RAB) Comments**

**PUBLIC HOUSING**

**RAB members: 10**

Tina Wheeler  
Richard Greco  
Deborah Thompson  
Tetyana Melandovich  
Renee Contreras

Marguerite Turner  
Ruthie Myers  
Gwendolyn Lofton  
Patricia Granado  
Marie Lorraine Hernandez

**Outreach Activities:**

- A request for RAB volunteers is advertised continuously on LACDA's website.
- RAB invite was mailed out to all RAB members.

**RAB Meetings:**

Because of office closures and restrictions on gathering in Los Angeles County due to Covid-19, the LACDA's regular annual RAB meetings were held with restrictions to ensure compliance with COVID-19 safety protocols. In addition to limited in-person meetings, individual telephone calls were made, and conversations held with as many RAB members as possible.

RAB Members Invited to Meeting: 38

RAB Members Called and Voicemail Messages Left: 31

RAB Members Conversations: 5

- Provided an overview of the Annual Plan for the fiscal year 2022
- Provided an overview of the proposed policy changes
- Informed RAB members of completed construction projects and future construction projects

**RAB Comments**

**Expansion of Waiting List Jurisdiction**

**1. Comment:** Can an applicant from one jurisdiction transfer to a waitlist from another jurisdiction?

**Response:** No, every PHA manages its own waiting list and people cannot transfer to other waiting list.

**2. Comment:** Care providers that are on the LACDA waitlist that live and work for LACDA residents don't get housed because they are considered out-of-jurisdiction. Is it possible to add Marina del Rey to in-jurisdiction?

**Response:** Currently these individuals are considered out-of-jurisdiction, but with the proposed policy change it will allow LACDA to expand LACDA's preference to incorporate applicants who live in the County that do not currently have a reasonable chance of accessing Public Housing.



3. **Comment:** There are many people in the LACDA waiting list that reside out-of-jurisdiction that are taking housing from applicants that are in-jurisdiction.

**Response:** The LACDA gives preference to families who live and/or work in unincorporated Los Angeles County. Families that do not live and/or work in unincorporated Los Angeles County are returned to the waitlist until in-jurisdiction families have been exhausted.

### **Conducting Annual Reexaminations Online Only**

4. **Comment:** What about the people that don't have computers? What about the people that do have computers and don't know how to use them? What about the people that do have computers, but do not know how to use them? Will those individuals be able to continue doing the paper annual reexaminations? Applicants/Clients do not get receipt or notification indicating that the agency has received the paperwork much less with online paperwork; how will this be remedied?

**Response:** The LACDA will provide resident training and education to all tenants at all sites. The LACDA will work with residents to ensure they are able to use the online system. The LACDA has reasonable accommodations to assist individuals that are not able to do recertification online. If there is documentation to show that the individual is unable to do it online, there will be other alternatives. LACDA is also in the process of purchasing tablets that will roll out together with this process. The LACDA is completing the details of the online system and will ensure that a receipt or confirmation is provided when documents are submitted through the online system.

5. **Comment:** How will the scanning of documents be done with this new process?

**Response:** The LACDA has not finalized every detail of the process, but it may be by taking a picture of the document and uploading it to the system. The LACDA will purchase scanners to install in the computer labs located in some of the larger Public Housing properties. The smaller site will get laptops with scanners that will be provided to the Resident Managers to assist the tenants. These items will assist tenants to readily use the online system.

6. **Comment:** If recertification will be done online, will the Resident Managers be cut?

**Response:** No.

### **Transitional Age Youth (TAY) Preference**

7. **Comment:** About 4-5 years ago they started a program when a child turns 18 they would end up homeless, but what county was doing instead of putting them out it gave them additional five years to stay with their families so long as they were in school. Is that what LACDA is trying to do?

**Response:** The program described may be a DCFS program. The LACDA is proposing to establish a preference for Transitional Age Youth with a maximum of five (5) households per development at the Carmelitos, Harbor Hills, Nueva Maravilla, and South County (20 max) housing developments to prevent this group in becoming homeless.

8. **Comment:** Will this population have different standards for continued occupancy?

**Response:** These tenants will follow the same policies for eligibility, suitability, and continued occupancy under the LACDA's Public Housing ACOP.

9. **Comment:** Do certain groups within the TAY population get preference (i.e. family vs single)?

**Response:** The LACDA will follow the eligibility and suitability process and prioritize those

that are in imminent risk of homelessness. DCFS will determine those in greatest need of housing and refer them to LACDA. The candidates will still need to go through the LACDA's application process and pass the criminal background check. LACDA and DCFS have created a partnership to provide resources and services to assist the TAY population.

#### **Addition to the Lease**

**10. Comment:** I think it is a good thing, because sometimes people leave, and life shows up and things happen. It allows people to take a chance on making it on their own but allows them to return in case things didn't pan out. It is a very good thing.

**Response:** Thank you for your feedback.

#### **MAJOR POLICY CHANGES AND THE RAB MEMBERS REACTIONS, RESPONSES, OR COMMENTS.**

**Comment:** The RAB members agreed in expanding the LACDA waitlist jurisdiction to be more inclusive of cities within LA County that do not have Public Housing sites.

**Comment:** The RAB members were mostly in favor of the implementation of the online system so long as the LACDA provided education and assistance during the transition. The LACDA will provide education and assistance to all the residents.

**Comment:** The RAB members agreed in establishing a TAY preference.

**Comment:** The RAB members were in favor of expanding the list of possible additions to the lease.

**ATTACHMENT A**  
**Resident Advisory Board (RAB)**  
**Comments**

<b>SECTION 8 PROGRAM</b>
--------------------------

**RAB: 12 Members**

- |                 |                        |                     |
|-----------------|------------------------|---------------------|
| 1. Susan Rivera | 5. Richard McNally     | 9. Jon Christian    |
| 2. Arnold Bass  | 6. Leslie Henry        | 10. Lorena Michalek |
| 3. Cherie Jones | 7. Trabeion Washington | 11. Marcus MeShack  |
| 4. Kathy Dennis | 8. Eric Jefferson      | 12. Vaughn Wright   |

**Outreach Activities:**

- A request for RAB volunteers is advertised continuously on LACDA's website.
- The July 2021 and October 2021 issues of the LACDA's Tenant Talk Newsletter advertised the RAB to all Section 8 program participants.
- LACDA staff called and spoke with or left messages for 71 interested RAB members to gauge continued interest in participating in the LACDA's RAB.

**RAB Meetings:**

Because of COVID 19 restrictions on gatherings, the LACDA's RAB meeting was held virtually using ZOOM teleconference software. In lieu of the in-person meetings, individual telephone calls were made, and conversations held with interested RAB members to confirm their ability to participate in the LACDA's RAB meeting via ZOOM. A One Call Now messaging service phone call was placed to the RAB members informing each of the commencement of the public comment period.

During the introduction to the LACDA's RAB meeting, staff communicated the following information:

- Provided an overview of the Annual Plan for the Fiscal Year 2022;
- Provided an overview of the proposed Administrative Plan policy changes;
- Provided an overview of the LACDA's COVID-19 statutory, regulatory and alternative requirements implemented and related activities;
- Informed RAB members of new funding received by LACDA for various programs and forthcoming Mobility Voucher Demonstration Program;
- Inquired about each RAB members well-being; and
- Any policy changes RAB members would like the LACDA to consider.

## **RAB General Comments**

### **1. How is the RAB notified that the annual plan draft is available?**

**Response:** Once the LACDA has completed its draft annual plan, the draft annual plan is posted for public view and comment on its website and it is available for review in multiple locations throughout the County. The LACDA provides a hard copy file in both the LACDA main office in Alhambra and Palmdale, and seven Public Housing locations throughout Los Angeles County. A map and address for each location was presented during the RAB meeting.

### **2. Can a One Call Now message be sent out to the RAB members once the draft annual plan is posted and available for public comment?**

**Response:** Yes. A phone call message will be scheduled as requested.

### **3. Is there a consistent One Call Now phone number so that participants know it is a LACDA call?**

**Response:** Yes. The One Call Now system has now been programmed to display the LACDA's general phone number in the caller ID.

### **4. Can SocialServe.com (now known as AffordableHousing.com) list only units within the LACDA's jurisdiction?**

**Response:** While the Housing Assistance Division encourages the use of AffordableHousing.Com, the HCV Program is a program that provides families the freedom to choose a unit that suits their needs, regardless if it is within the LACDA's voucher jurisdiction. The LACDA does provide a briefing packet that includes real estate websites with available rentals units, such as Zillow.com and Realtor.com.

### **5. Can the LACDA employ Real Estate agents to assist clients in finding a unit?**

**Response:** The LACDA is fully aware that the Los Angeles County rental market is very competitive, and the LACDA is always looking for ways to better assist program participants and applicants with locating a suitable rental unit. In the past, the LACDA has partnered with Del Richards and Associates to help assisted families locate a rental unit. At this time, we do not have this partnership in place, but management may in the future consider again partner with a housing locator service to help assisted families find a home to rent.

### **6. Can the Family Self-Sufficiency Program partner with Habitat for Humanity to assist participants with buying a house?**

**Response:** The LACDA will explore this request.

### **7. As a Section 8 participant, how should an independent contractor notify the LACDA of their income if it fluctuates monthly?**

**Response:** During the annual reexamination, the independent contractor should provide the case manager their Schedule C (1040) tax form or a history printout of payments. The case manager will annualize the income to ensure that fluctuations are considered and accounted for throughout the year. If there is a major fluctuation in between annuals, the independent contractor should notify the case manager within 10 days and provide a recent printout of

payments reflecting the fluctuation. The case manager will determine whether a readjustment of rent should be calculated.

**8. Why when participants want to transfer (port out) are they required to submit a vacate notice to move?**

**Response:** The LACDA currently has a policy that allows the program participant to request a voucher without serving their owner with a notice to move. The policy is meant to assist the voucher holder with seeking housing of their choice within and outside of the LACDA's jurisdiction. Once a suitable unit is located, even if it's outside of the LACDA's jurisdiction and requires the participant to port to another Public Housing Agency (PHA), the participant can serve their landlord with a notice to move and transition smoothly to the new PHA. The policy was implemented to assist movers with locating a unit without running the risk of losing their voucher and housing assistances.

**9. If a participant has shared custody of their children can there be a change in the length of stay? For instance, if I have joint custody and my child is to stay with me during the summers.**

**Response:** Yes. Under the LACDA's Administrative Plan policy, parents have the ability to add or remove their children under the age of 18 to their household composition. Parents with shared custody agreements should contact their assigned case manager to discuss the specifics of their share custody arrangements.

**Consensus to the FY 2022 Policy Changes.**

Overall, all RAB members were content with the FY 2022 policy changes and had no disputes or comments.

## ATTACHMENT B AFFH GOALS SUMMARY

Fair Housing Goal	Fair Housing Impediments	Activities	Progress
<b>Promote lower rates of crime</b>	Public safety concerns	<ol style="list-style-type: none"> <li>1. Annually engage and enhance the community policing team (CPT) program at LACDA sites.</li> <li>2. The CPTs meet quarterly and ascertains the crime prevention needs of the housing sites. 15 meetings will be held in the next 5 years.</li> <li>3. CPTs hold monthly Task Force by 2 service areas with the respective Area Manager to monitor progress in crime prevention and addressing public safety concerns. Approximately 120 meetings will be held in the next 5 years.</li> </ol>	<ol style="list-style-type: none"> <li>1. Actively engaging the CPT teams to enhance site services during weekly CPT meetings and monthly Task Force meetings.</li> <li>2. CPT engaged in the annual Back2School Jams, National Night Out, Red Ribbon Week crime prevention, and holiday events at the sites. CPT will plan the annual outings for youth who are actively involved in public housing youth development programs. CPT will attend the 4 annual holiday and crime prevention events at the sites. .</li> <li>3. Conducted 24 LACDA and CPT Task Force meetings to review calls for service, management and resident concerns, and plan strategies to respond to the identified site crime and nuisance issues.</li> </ol>
	Violent and drug related crime in public housing	<ol style="list-style-type: none"> <li>1. Enhance crime reduction programs and the Crime Prevention Unit annually.</li> <li>2. Convene quarterly meetings and report statistics on progress in keeping sites safe. Approximately 15 meetings will be held in the next 5 years.</li> </ol>	<ol style="list-style-type: none"> <li>1. CPU supported the CPT's in the aforementioned crime prevention site and countywide events.</li> <li>2. Quarterly community crime prevention meetings were not conducted due to COVID-19 but will be rescheduled.</li> </ol>
	Minority and low-income communities experience higher rates of crime and violence	Annually provide training and/or technical assistance to law enforcement agencies, County and/or City departments, and other housing authorities annually.	<ol style="list-style-type: none"> <li>1. All LASD and LBPDP CPT Personnel will attend future annual California Gang Investigators Association (CGIA) conferences, but currently on hold due to COVID-19</li> </ol>
	Criminal activity in public housing facilities	<ol style="list-style-type: none"> <li>1. Annually improve Crime Prevention Through Environmental Design (CPTED) measures currently in place at LACDA including additional installation of CCTV systems.</li> <li>2. Convene quarterly meetings with the CPT and CPTED staff to monitor progress and report on accomplishments quarterly. Approximately 15 meetings will be held in the next 5 years.</li> <li>3. Annually enhance security measures as needed at public housing facilities including installation of additional CCTV systems and CPT.</li> </ol>	<ol style="list-style-type: none"> <li>1. LACDA's improvement of site-based CPTED measures include the installation of new CCTV systems as well as upgrading existing systems. Strategic decisions regarding camera locations and fields of view are made with CPTED principles such as Territorial Reinforcement and Access Control in mind.</li> <li>2. CPT and CPTED/CSU staff met monthly at 24 Task Force meetings to discuss crime and safety related issues and principles are one of the tools considered when looking for solutions.</li> <li>3. )The 43 CCTV systems at LACDA Public Housing sites were maintained with no new major installation planned.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

		<ol style="list-style-type: none"> <li>4. Review security contracts annually.</li> </ol>	<ol style="list-style-type: none"> <li>4. A new CCTV installation, monitoring and maintenance contract is being finalized. The increase in sites with systems and the monitoring and maintenance that comes with such expansion requires annual review.</li> </ol>
	<p style="text-align: center;">Juvenile crime activity</p>	<ol style="list-style-type: none"> <li>1. Enhance and continue Juvenile Justice Crime Prevention Act (JJCPA) activities annually.</li> <li>2. Convene meetings to monitor progress and report on accomplishments quarterly. Approximately 15 meetings will be held in the next 5 years.</li> </ol>	<ol style="list-style-type: none"> <li>1. JJCPA Program and activities continue. During this reporting period, we introduced many ways to virtually provide services to youth and families during COVID-19.</li> <li>2. In this reporting period, 2 meetings were held to discuss program activities and new directions. Monthly meetings are scheduled moving forward.</li> </ol>
<p><b>Enhance accessible housing and supportive services to persons with disabilities</b></p>	<p style="text-align: center;">Increase independence for the elderly or families with disabilities</p>	<ol style="list-style-type: none"> <li>1. Apply for additional Resident Opportunity and Self Sufficiency (ROSS) grants annually.</li> <li>2. Implement the assisted living waiver program (ALWP) as state funding permits at additional senior sites. Currently the ALWP has been implemented at South Bay Gardens, Orchard Arms, and Lancaster Homes housing developments. Monitor progress and report annually.</li> <li>3. Provide reasonable accommodations/reasonable modifications through LACDA's Reasonable Accommodation/Reasonable Modifications request procedures. Monitor progress and report annually.</li> <li>4. Ensure that funded projects fully comply with federal and state fair housing requirements.</li> <li>5. Conduct mobility workshops with various partnering agencies for residents (ex: fall prevention, alert systems) annually. Keep record of workshops.</li> <li>6. Improve the implementation of current review and approval of reasonable accommodations practices and track all ADA requests annually.</li> </ol>	<ol style="list-style-type: none"> <li>1. Funded ROSS grant additional 3-years 2021-2023</li> <li>2. Program continues at 3 locations, with 40 older adults enrolled we continue monthly monitoring.</li> <li>3. To facilitate the Reasonable Accommodation process for applicants and program participants, the LACDA's Public Housing staff will continue to discuss "best PHA RA practices" and to review our process with a national consultant.</li> </ol> <p>In addition, to facilitate the Reasonable Accommodation process the Section 8 Program changed its Administrative Plan on July 1, 2020 to eliminate the requirement to obtain approval for a live-in aid again when the current live-in aid leaves the client's employment.</p> <p>During FY 2020-2021, the LACDA received and processed a total of 2,235 Reasonable Accommodation Request.</p> <ol style="list-style-type: none"> <li>4. Ensured that funded projects fully complied with federal and state fair housing requirements.</li> <li>5. We have conducted a total of 2 fall prevention workshops serving 40 unduplicated PH residents. At our Harbor Hills location 10 older adults will continue mobility activities and report on outcomes.</li> <li>6. Reasonable accommodation (RA) practices have been reviewed and RA representatives at each management office process the</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

			RA requests. The ADA Coordinator tracks monthly ADA requests. A new RA tracking system was implemented to increase efficiency of processing RA requests.
Lack of sufficient accessible housing in a range of unit sizes	Promote conversion activities to benefit a minimum of 1,300 units annually to include additional accessibility features of existing accessible units in a range of <b>sizes</b> for persons with disabilities annually as funding permits. Conversion/rehabilitation activities to benefit a minimum of 6,500 units in the next 5 years. Monitor progress and report annually. Accessible units comply with Section 504 and ADA requirements for accessible design as well as the federal Fair Housing Act requirements, if applicable.	Completed 5 ADA construction activities at 107th Street ADA Unit Upgrades, Herbert ADA Kitchens & Common Area Upgrades - Phase II, Monica Manor Site Upgrades (Patio Walls + ADA Ramp), Harbor Hills walkways, and South Bay Gardens ADA Entry Rehab to benefit 401 units, and will complete a full ADA assessment at all of the senior public housing developments, and five (5) unit conversions for full ADA accessibility.	
People with disabilities becoming homeless	Partner with other County agencies to identify housing prior to a resident or applicant becoming homeless and make referrals annually.	The LACDA is now collaborating with local agencies, such as the Department of Health Services (DHS) and Department of Mental Health (DMH) to provide families at risk for becoming homeless with rental assistance payments.	
Barriers to mobility	Utilize the Green Physical Needs Assessment (GPNA) annually to address barriers to mobility annually as funding permits.	Utilized the Physical Needs Assessment (PNA) annually to address barriers to mobility annually as funding permits.	
Lack of mental health services for school age children of public housing	Connect residents with resources including Department of Mental Health case management services and on-site LACDA case managers. Provide services to 100 residents annually.	LA County Dept. of Mental Health has co-located at 13 senior public housing sites. The Genesis Geriatric program has housed a social worker and registered nurse at Carmelitos Senior complex. The DMH collaboration has served 300 older adult residents.	
Access to transportation	<ol style="list-style-type: none"> <li>1. Provide transportation to Resident Advisory Board (RAB) meetings, field trips and other events as funding permits.</li> <li>2. LACDA will inform residents of resources and options for transportation on the LACDA website and the resident LINK newsletter. Information will be updated annually as needed.</li> </ol>	<ol style="list-style-type: none"> <li>1. Due to the local restrictions put in place throughout Los Angeles County, the LACDA's Section 8 Program conducted its RAB meeting via a zoom Video conference call. Public Housing provided transportation to RAB member to RAB meetings.</li> <li>2. In the months of July and October of 2021, LACDA's Section 8 Program released an open invitation, inviting all of its assisted families to join its RAB. This invitation was published in the LACDA's monthly Tenant Talk newsletter.</li> </ol>	



## ATTACHMENT B AFFH GOALS SUMMARY

			The Tenant Talk newsletter, which is released monthly by the LACDA, provides valuable information pertaining to valuable resources available to assisted families.
<b>Create viable communities</b>	Access to affordable internet	<ol style="list-style-type: none"> <li>1. Annually expand cable/internet access to housing development sites, as funding permits. The LACDA currently has cable/internet access at three (3) housing developments: Carmelitos, Whittier Manor, and Herbert.</li> <li>2. Annually enhance and continue to provide computer/internet access at LACDA's largest sites in the Family Learning Centers at Nueva Maravilla, Harbor Hills and Carmelitos.</li> <li>3. When providing Project-Based Voucher funding to developers that Construct or Rehabilitate Affordable Housing Developments, continue to require annually, as mandated by the Federal Communications Commission and the U.S. Department of Housing and Urban Development, Broadband Infrastructures that permits residents to acquire low cost internet services.</li> </ol>	<ol style="list-style-type: none"> <li>1. LACDA is currently working with Spectrum to develop a cable and internet plan for all housing developments. LACDA is also exploring all funding sources and grant opportunities to provide funding for the infrastructure and monthly utility cost.</li> <li>2. Currently there is a computer lab with 20 computers with internet access at each Family Learning Center: Nueva Maravilla, Harbor Hills, and Carmelitos.</li> <li>3. All Notices of Funding Availability that announced project-based voucher availability mandated developers construct or rehabilitate projects in accordance with Federal Communications Commission and the U.S. Department of Housing and Urban Development, Broadband Infrastructures requirements.</li> </ol>
<b>Promote healthy communities</b>	Industries not in compliance with health regulations Pollution in Neighborhoods Illegal Dumping Proximity to environmental hazards, especially in communities of color	<ol style="list-style-type: none"> <li>1. Facilitate environmental review process and adhere to state requirements and procedures.</li> <li>2. Refer residents to responsible agencies as needed and include information on LACDA website as appropriate.</li> </ol>	<ol style="list-style-type: none"> <li>1. Facilitated environmental review process and adhered to state requirements and procedures by having each constructions project be approved through an environmental clearance.</li> <li>2. None to report this period.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

	<p>Food insecurity</p> <p>Access to healthy and nutritious food options</p>	<ol style="list-style-type: none"> <li>Promote access to food assistance programs like CalFresh and Women, Infants, and Children (WIC) through the LACDA LINK Newsletter and on the LACDA website annually.</li> <li>Enhance the Growing Experience (TGE) Program annually to provide fresh produce at a low cost to residents and the local Long Beach community.</li> </ol>	<ol style="list-style-type: none"> <li>CalFresh was promoted during annual resource fairs, LINK newsletter, and workshops on-site.</li> <li>EBT currently accepted every Friday at the Farm Stand which sells fresh fruit and vegetables.</li> </ol> <p>The TGE in partnership with the Long Beach Health Department provides nutritional information along with healthy recipes to family and Senior residents.</p> <p>Access is provided through a weekly farm stand a weekly Community Supported Agriculture (CSA) veggie box program wherein residents can purchase hyper-local, sustainably grown produce at an affordable cost</p>
	<p>Enhance adequacy of life skills (e.g. Housekeeping, healthy eating, financial management)</p>	<p>Provide training seminars to residents through partnerships with outside agencies on life skills at the quarterly Resident Council Forum meetings and/or on-site resident meetings. Approximately 8 training seminars will be held in the next 5 years.</p>	<p>6 meetings have been facilitated on various life skills topics: hoarding, budgeting, depression, SAT prep, etc. Over 200 residents have been served.</p>
	<p>Enhance air quality within housing development sites</p>	<p>Enforce Smoke-Free policy annually in all developments (except South Bay Gardens where smoking is permitted in a specified open area that is at least 25 feet away from a LACDA building that is clearly labeled "Smoking Designated Area"). Ensure that all residents, guests, visitors, vendors, contractors, and staff are in compliance with policy. Implemented smoke-free policy effective July 1, 2014.</p>	<p>Smoke-Free policy is in place and being enforced across all sites.</p>
<p><b>Promote more affordable and accessible housing</b></p>	<p>Instances of absentee/bad landlords</p>	<ol style="list-style-type: none"> <li>Continue to outreach and provide owner education workshops annually regarding subsidized rental programs, as well as tenant/landlord California laws.</li> <li>Continue to enforce HUD regulations annually regarding owner suitability.</li> </ol>	<ol style="list-style-type: none"> <li>With COVID-19 still impacting the manner in which the LACDA conducts business with its assisted families and property owners. During 2021, the LACDA conducted its owner and tenant lunch and learn workshops via ZOOM conference call. The LACDA's Lunch and Learn sessions are held once a month, and provide a forum for program education and communication.</li> <li>Since 07-2021, the LACDA has had no cases pertaining to owner suitability.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

	Lack of opportunities for residents to obtain housing in higher opportunity areas	<ol style="list-style-type: none"> <li>1. Enhance and continue resident services programs for all residents, including specialized programs for youth annually.</li> <li>2. Provide college scholarships through the Community Development Foundation (CDF) annually.</li> </ol>	<p>1.RSP continue with special focus on College Readiness for and High School youth. 280 residents served in FLC for adult and for youth programs. ESL classes have ceased due to the “Safer at Home Ordinance”. The LACDA website provides information about resident program and services.</p> <p>2. 20 scholarships awarded in this reporting year.</p>
	Enhance place based investments	<ol style="list-style-type: none"> <li>1. Preserve public housing by continuing to address GPNA recommendations annually as funding permits.</li> </ol>	Continue to preserve public housing by continuing to address GPNA recommendations annually as funding permits.
<p><b>Promote understanding and knowledge of fair housing and ADA Laws</b></p>		<ol style="list-style-type: none"> <li>1. Conduct ADA and Fair Housing training for all new employees annually. Training will include information on FHA, Section 504, Title II of the ADA and the California Fair Employment and Housing Act (FEHA).</li> <li>2. LACDA provides a family that is disabled and requires specific accessible features, priority for vacant accessible units annually. LACDA offers a vacant accessible unit first to current units and then to an eligible qualified applicant that requires the special features of the vacant unit.</li> <li>3. LACDA will provide all applicants and residents the “LACDA’s Process to Request a Reasonable Accommodation and/or Reasonable Modification” Information Form in compliance with FHA, on the LACDA website and in the application packet annually.</li> <li>4. Update the listing of accessible public housing units and accessibility features available at each housing development on LACDA’s website annually.</li> <li>5. LACDA will continue to require annually a signed Waiver Form from each resident that is housed in a unit with accessible features where the resident does not require a unit with such features. Pursuant to this waiver, a unit with accessible features can be assigned to a resident or applicant that is</li> </ol>	<p>Coordinated by Administrative Unit</p> <ol style="list-style-type: none"> <li>1. LACDA Legal Counsel and the ADA Coordinator will plan the annual Fair Housing training in 2022. It will cover FHA, Section 504, Title II of the ADA and the California Fair Employment and Housing Act (FEHA).</li> <li>2. LACDA continues to give families with need for accessible features priority.</li> <li>3. All incoming program participants receive information in their rights to Reasonable Accommodations/Modifications, as well as, at time of annual recertification. Reasonable Accommodation information and forms are readily available via the LACDA’s website.</li> <li>4. There is a full list of Public Housing accessible units that is updated annually on the LACDA website.5. At time of annual each resident living in a unit with accessible features is required to sign a waiver which states they can be assigned to another unit of need arises for a unit with accessible features.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

		disabled as the need arises.	
	Discrimination in the private accessible rental markets	<ol style="list-style-type: none"> <li>1. For Section 8 participants, continue to provide mobility counseling at monthly voucher briefing sessions.</li> <li>2. For Section 8 participants, continue to provide access to enhanced Housing Navigation Resources annually.</li> <li>3. Continue to provide and review information annually on the LACDA website and briefing sessions regarding reporting Housing Discrimination.</li> </ol>	<ol style="list-style-type: none"> <li>1. December 14, 2021, the LACDA launched its Remote Voucher Briefing website, allowing assisted families to participate in an online voucher briefing session, conveniently from their home computer or smart device of choice.</li> <li>2. The LACDA incorporated Adobe Sign software into its online Remote Voucher Briefing sessions to facilitate the families signature requirements.</li> <li>3. The LACDA provides mobility counseling and Housing Discrimination information to all new applicants and participants that are moving.</li> <li>4. At each briefing session, the LACDA refers its clients to the Los Angeles County Resource center, which provides enhanced Housing Navigation services.</li> <li>5. On July 29, 2021, the LACDA launch an updated public website, focused on simplifying its content navigation, while creating a better end user experience. The LACDA updated its website with the UserWay's Web Accessibility Widget, powered by a dedicated accessibility server. This software allows the LACDA to improve its compliance with the Web Content Accessibility Guidelines.</li> <li>6. On a monthly basis, the LACDA reviews and ensures that all information is current on its website. The LACDA's main website page displays information regarding Housing Discrimination and provide information on how to file a complaint.</li> <li>7.</li> <li>8. On June 11, 2019, the LACDA advocated for and obtained approval for a Los Angeles County Source of Income Protection Ordinance.</li> <li>9. The LACDA regularly works with the Housing Rights Center to provide a training session on Fair Housing, Source of Income Protections and Rent Stabilization for all Section 8 staff.</li> <li>10. Effective February 1, 2020, PATH (People Assisting the Homeless) and the LACDA executed a Memorandum of Understanding for the coordination of supportive services for the homeless. Via this MOU, PATH agrees to provide housing location services, including providing access to housing resources acquired by PATH and mediation services for landlord/tenant conflicts.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

<b>Enhance employment opportunities</b>	Disparities in job readiness and educational achievement	Conduct job readiness training for 50 public housing residents annually. Partner with Workforce Development, Aging, and Community Services (WDACS) to enhance collaboration on existing program efforts as well as design new initiatives for workforce readiness and employment opportunities.	In 2019, the LACDA applied for and was awarded \$1,854,077 through the Jobs Plus Program grant. The Jobs Plus program supports work readiness and connects public housing residents with employment, education, and financial empowerment services, and an evidence-based model proven to help public housing residents find and keep jobs. We have 6 individuals who enrolled in a training program with America's Job Center of California.
<b>Facilitate access to proficient schools</b>	Enhance place based investments	<ol style="list-style-type: none"> <li>1. Continue and enhance resident services programs annually for all residents, including specialized programs for youth.</li> <li>2. Provide college scholarships through the CDF, annually.</li> <li>3. Provide computer classes/labs, afterschool programs for youth, financial literacy, nutrition workshops, and enrichment activities at the LACDA Family Learning Centers (FLC) annually.</li> <li>4. Continue to convene the CDF Reality Check Conference annually where LACDA youth are provided with scholarships, educational seminars, and skill development to assist them in achieving their goals.</li> </ol>	<ol style="list-style-type: none"> <li>1. RSP's continue with focus on College Readiness for high school youth.</li> <li>2. Provided 20 scholarships to help residents continue and further their education.</li> <li>3. After school program served 200 youth. The LACDA is working with 2 partners YMCA and Boys and Girls Club to provide afterschool program services at Carmelitos and Harbor Hills.</li> <li>4. Due to COVID-19 and the "Safer at Home Ordinance", the Reality Check Conference has been placed on hold.</li> </ol>
	Availability of scholarships	Continue to provide scholarships for residents as funding permits through the CDF annually.	20 scholarships funded
<b>Promote facilities and services for the homeless</b>	Enhance programs to help at-risk homeless population	<ol style="list-style-type: none"> <li>1. Continue to receive referrals annually from Los Angeles Homeless Services Authority (LAHSA), Department of Children and Family Services (DCFS), Department of Mental Health (DMH) and the Veteran's Administration (VA) to house homeless families and provide case management for these families to remain housed.</li> <li>2. As funding and regulatory requirements permit, continue to</li> </ol>	<ol style="list-style-type: none"> <li>1. Continue to receive referrals from Los Angeles Homeless Services Authority (LAHSA), the Department of Family and Children Services (DCFS), the Department of Health Services and the Department of Mental Health to house families experiencing homeless and provide case management for these families to remain housed.</li> </ol>

## ATTACHMENT B AFFH GOALS SUMMARY

		<p>commit annually through a competitive Notice of Funding Availability, Project-Based Vouchers, to developers that target affordable housing developments that will house special needs populations, such as at-risk of homelessness and/or homeless populations.</p> <ol style="list-style-type: none"> <li>3. Include requirements in NOFA funding agreements that projects must incorporate affirmative marketing, tenant selection, and reasonable accommodation/reasonable modification practices that fully comply with Section 504, Title II of the ADA, FHA and FEHA.</li> <li>4. Prioritize rapid rehousing and provide ancillary services annually through LAHSA coordinated with CDC and LACDA.</li> <li>5. Utilize Measure H funding annually, continue to evaluate and expand on the Homeless Incentive Program, to entice landlords to rent available rental units to the homeless and homeless veterans.</li> </ol>	<p>For Calendar Year (CY) 2021, the voucher program received 795 homeless referrals from LAHSA. All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of 12-09-2021, 554 families were issued a voucher and 39 have successfully leased a unit with a voucher.</p> <p>For CY 2021, the voucher program received 177 homeless family referrals from the Department of Mental Health (DMH). All families referred were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of 12-09-2021, 116 families were issued a voucher and 15 have successfully leased a unit with a voucher.</p> <p>For CY 2021, the voucher program received 118 homeless referrals from the Department of Children and Family Services (DCFS). All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of 12-09-2021, 59 families were issued a voucher and 8 have successfully leased a unit with a voucher.</p> <p>For CY 2021, the voucher program received 280 homeless referrals from the Department of Health Services (DHS). All families were provided an application for subsidized rental assistance. Families are currently at different stages of program eligibility and housing search. As of 12-09-2021, 196 families were issued a voucher and 20 have successfully leased a unit with a voucher.</p> <p>For CY 2021, the Veteran Affairs Supportive Housing (VASH) program received 299 referrals from the Greater Los Angeles VA Healthcare System. Families are currently in different stages of program eligibility and housing search. As of 12-10-2021, 224 veterans successfully leased a unit with a voucher and 52 have successfully leased a unit within a Project Based building.</p>
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## ATTACHMENT B AFFH GOALS SUMMARY

			<p>2. The LACDA is planning to convert up to 400 additional tenant-based vouchers to project-based vouchers (PBVs) through Notice Of Funding Availability (NOFA) 27-A that is scheduled to be released in mid-December, and to projects that were previously selected through a competitive process, which allows the LACDA to commit PBVs in accordance with 24 CFR 983.51. The LACDA has awarded 579 additional PBVs through NOFA 26-A to projects located in Unincorporated Los Angeles, Altadena, Huntington Park, Cudahy, Lancaster, and Montebello. 100% of these projects are dedicated to housing the homeless, with subpopulations consisting of persons with mental illness, veterans, seniors, and victims of domestic violence. Additionally, the LACDA has committed 115 project-based Veterans Affairs Supportive Housing (VASH) vouchers to 2 housing developments at the VA Medical Center. Converting tenant-based vouchers to PBVs is necessary to increase the stock of affordable housing for special needs populations who face increasing barriers trying to find housing in the area's private rental market.</p> <p>3. LACDA assures that its Notice of Funding Availability for Project-Based Vouchers includes requirements that mandate affirmative marketing, tenant selection, and reasonable accommodation/reasonable modification practices that fully comply with Section 504, Title II of the ADA, FHA and FEHA.</p> <p>4. No activity to report.</p> <p>5. The Los Angeles County Board of Supervisors for FY 2020-21 committed \$7,922,000 million and FY 2021-2022 committed \$11,105,000 for the LACDA's Housing Incentive Program (HIP) to support homeless families to secure housing. The HIP program continues to provide Security Deposit payment services to VASH families, and transit services.</p> <p>6. The LACDA's Open Doors initiative is a wraparound service for landlords <del>to</del> that is designed to encourage them to conduct</p>
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## ATTACHMENT B AFFH GOALS SUMMARY

			business with the LACDA and rent to Section 8 Voucher holders to prevent homelessness. In FY 2021-2022 budget, through County funds, the LACDA allocated \$3.2 million for the Open Doors initiative. The initiative is intended to further fair housing and entice participation among private and accessible rental markets. Specialized staff assist with the wraparound services and any concerns that arise. During FY 2020-2021 the LACDA provided over 542 owners with Sign-On Bonuses, Vacancy Loss Payments, Damage Mitigation, and Security Deposit assistance through its Open Doors Initiative.
<b>Enhance Transit Services</b>	Access to transportation for parents and children	1. Enhance Access to Opportunities	LACDA informs residents of resources and options for transportation through its website.
	Lack of availability of bus passes	1. Enhance Access to Opportunities	LACDA informs residents of resources and options for transportation through its website.
<b>Other fair housing goals</b>	Lack of resources and services for working families (e.g., helping find housing for minorities)	<ol style="list-style-type: none"> <li>1. Enhance and continue resident services programs for all residents, including specialized programs for youth annually.</li> <li>2. Provide information regarding the Los Angeles County Resource Center through the LACDA website.</li> <li>3. Continue to provide college scholarships through the CDF as funding permits, annually.</li> <li>4. Provide computer classes/labs, afterschool programs for youth, financial literacy, nutrition workshops, and enrichment activities at the LACDA Family Learning Centers (FLCs). LACDA will provide services to approximately 200 residents annually.</li> <li>5. Conduct outreach to parents with Limited English Proficiency and computer access annually.</li> </ol>	<ol style="list-style-type: none"> <li>1. The RSP continues special focus on College Readiness for high school youth</li> <li>2. Information is on LACDA website.</li> <li>3. 20 Scholarships awarded</li> <li>4. 280 residents served in FLC for adult and for youth programs.</li> <li>5. The LACDA continues to provide outreach providing services and linking residents to services to meet their individualized needs with Limited English Proficiency and computer access.</li> </ol>
	Access to affordable childcare	Continue to refer residents annually to child care centers that provide services to low income families. LACDA has child care centers in Harbor Hills, Nueva Maravilla, and off-site childcare centers through the Long Beach Head Start program and at the Bright Futures Child Development Center in South Los Angeles.	Case Managers make referrals as needed to residents in need of childcare.





LACDA

Los Angeles County Development Authority

**ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
FOR THE CONVENTIONAL PUBLIC HOUSING PROGRAM**

**2022**

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## Chapter 1

### STATEMENT OF POLICIES AND OBJECTIVES

#### INTRODUCTION

The Los Angeles County Development Authority (herein referred to as LACDA) is responsible for public and affordable housing stock located throughout Los Angeles County. Through our efforts to provide and maintain housing that is decent, safe, and sanitary, the LACDA strives for a high standard of property management. In addition, the LACDA believes that residents of public housing deserve a living environment that promotes individual achievement and empowers families.

The administration of the public housing program and the functions and responsibilities of the LACDA shall be in compliance with the Annual Contributions Contract (ACC), and this Admissions and Continued Occupancy Policy (herein referred as ACOP). The administration of the LACDA's housing program will also meet the requirements set forth by the U.S. Department of Housing and Urban Development (HUD). Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 Code of Federal Regulations (CFR), Parts V, VII and IX.

#### A. LOCAL OBJECTIVES

The ACOP demonstrates that the LACDA manages its program in a manner that reflects its commitment to improving the quality of housing available to the public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, the ACOP is designed to achieve the following objectives:

To provide improved living conditions for very low and low-income families while maintaining their rent payments at an affordable level.

To operate housing programs that provides decent, safe, and sanitary housing within a suitable living environment for residents and their families.

To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.

#### B. PURPOSE OF THE POLICY

The purpose of the ACOP is to establish guidelines for the LACDA staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements set forth by HUD with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the LACDA.

The LACDA Board of Commissioners must approve the original policy and any changes. Required portions of the ACOP will be provided to HUD.

### C. FAIR HOUSING POLICY

It is the policy of the LACDA to comply fully with all Federal, State, and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The LACDA will comply with all laws relating to Civil Rights, including but not limited to:

Title VI of the Civil Rights Act of 1964

Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)

Executive Order 11063

Executive Order 13166

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)

Any applicable State laws or local ordinances and any legislation protecting individual rights of residents, applicants or staff that may subsequently be enacted.

The LACDA shall not discriminate on the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law in the leasing, rental, or any other disposition of housing or related facilities, including land, that is part of any development or developments under the LACDA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the LACDA's office in such a manner as to be easily readable from a wheelchair.

The LACDA's facilities are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The LACDA shall not, on account of race, color, religion, sex, gender, gender identity and

expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law:

Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to their needs;

Provide housing that is different from that provided to others;

Subject a person to segregation or disparate treatment;

Restrict a person's access to any benefit enjoyed by others in connection with the housing program;

Treat a person differently in determining eligibility or other requirements for admission; or deny a person access to the same level of services.

The LACDA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, elderly families with pets).

#### D. REASONABLE ACCOMMODATIONS AND REASONABLE MODIFICATIONS

The LACDA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodations and reasonable modifications, so that they may fully access and utilize the housing program and related services. All requests for a reasonable accommodation and reasonable modification will be verified so that the LACDA can properly accommodate the need presented by the disability. All Residents will be provided with a copy of the "Notice to Applicants and Residents with Disabilities of the Los Angeles County Development Authority Policy Regarding Reasonable Accommodations and Reasonable Modifications" at Lease-In. All Residents will be provided with reasonable accommodation and reasonable modification request information during the following: Lease-In Application; Annual Reexamination; and During adverse actions. The Notice provides applicants and residents with their rights to and procedures to request a reasonable accommodation and/or reasonable modification.

This policy is applicable to all situations described in the ACOP including but not limited to when a family initiates contact with the LACDA, when the LACDA initiates contact with a family including when a family applies, and when the LACDA schedules or reschedules appointments of any kind.

Person with a Disability or People with Disabilities refers to a person who has:

A physical or mental impairment that limits one or more major life activities such as caring

for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning;

A record of such impairment; or

Being regarded as having such impairment, and includes all people covered by either federal or state law.

## **1. Reasonable Accommodation**

- A. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- B. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.
- C. A request for a reasonable accommodation may be made at **ANY** time during the initial application process and throughout the tenancy. The request can be made orally to any staff member or in writing to the LACDA.
- D. It is unlawful for the LACDA to refuse to make reasonable accommodations when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.
- E. To show that a requested accommodation may be necessary, there **must** be an identifiable relationship, or NEXUS, between the requested accommodation and the individual's disability.
- F. A request for accommodation must be reasonable, i.e., does not pose an undue financial and administrative burden to the LACDA or require a fundamental change to LACDA's housing programs.

## **2. Reasonable Modification**

- A. 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 premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas.
- B. A request for a reasonable modification may be made at **ANY** time during the tenancy. The request can be made orally to any staff member or in writing to the LACDA.
- C. It is unlawful for the LACDA to refuse to allow a reasonable modification to the premises when such a modification may be necessary to afford persons with disabilities full enjoyment of the premises.

D. To show that a requested modification may be necessary, there **must** be an identifiable relationship, or NEXUS, between the requested modification and the individual's disability.

E. A request for a modification must be reasonable.

### Undue Hardship

Requests for reasonable accommodation and reasonable modification from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the LACDA or fundamentally alter the nature of the LACDA's housing programs. An undue determination is made on a case-by-case basis and considers many factors, including, but not limited to, the cost of the requested accommodation, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-required needs.

In determining whether an accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall financial resources of the LACDA's Public Housing Program; and

The effect on expenses and resources, or the likely impact on the operation of the LACDA as a result of the accommodation.

### **Reasonable Accommodations and Reasonable Modifications Request Procedure**

A person who has a disability, has a physical or mental impairment that limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning; has a record of such impairment; or being regarded as having such impairment, and includes all people covered by either federal or state law.

A resident with a disability as defined above, may ask for including but not limited to the following:

A modification to our rules or policies;

A change in the way we communicate with them or provide them information;

An alteration or change in their unit;

An accessible unit; or

An alteration or change to some other part of a LACDA owned property.

## Verification of a Request for a Reasonable Accommodation and/or Reasonable Modification

A request for a reasonable accommodation and/or reasonable modification can be made at any time.

If a person's disability is obvious or otherwise known to the LACDA, and if the need for the requested accommodation is readily known or apparent, the **LACDA will not request** the "Verification of the Need for Reasonable Accommodation and/or Reasonable Modification" form or any additional information about the requester's disability or the disability-related need for the accommodation.

A resident that requests a reasonable accommodation or reasonable modification will be given a packet that contains the following:

**Form 1:** Notice to Residents with Disabilities of the LACDA's Policy Regarding Reasonable Accommodations and/or Reasonable Modifications

**Form 2:** Request for a Reasonable Accommodation and/or Reasonable Modification

**Form 3:** Verification of the Need for Reasonable Accommodation and/or Reasonable Modification

Residents that request a Reasonable Accommodation and/or Reasonable Modification, and the disability is not readily known or apparent, must submit Forms 2 and 3 to the management office and in a legible written format. A resident may request to submit the required forms in an alternative format. The LACDA will request only information that is necessary to establish that the individual has a disability, the request describes the needed accommodation, and shows the relationship, or NEXUS, between the requested accommodation and the individual's disability.

The Reasonable Accommodation and Reasonable Modification records will be maintained using a secured tracking system to log the Reasonable Accommodation and Reasonable Modification records, including all the supporting documentation.

The housing development management staff will electronically forward the reasonable accommodation and/or reasonable modification request to the Property Manager for review. The Property Manager is to electronically assign the request to the ADA Compliance Officer at the LACDA's administrative office for processing. The ADA Compliance Officer will maintain a log of all requests, decisions and actions taken in the secured tracking system. The ADA Compliance Officer will scan a copy of the decision in the tenant's electronic file and will notify the site management office regarding the decision made.

The LACDA staff may engage in an "**interactive process**", when needed, with the requestor to identify reasonable alternatives to address the request of a person with disabilities. The ADA Compliance Officer will send a decision in writing to the resident on the Reasonable Accommodation and/or Reasonable Modification Request form within 30 business days of receiving the request.

The Reasonable Accommodation and Reasonable Modification Request form will include an approval or a denial of the request. If denied, the form will include reasons for denial and possible alternative accommodations. The LACDA decision letter provides the residents with their rights under Chapter 14 “Grievances and Appeals”. If an accommodation request is denied and no alternative is found reasonable, the Resident will be afforded the opportunity to appeal the denial.

Management offices will be notified electronically by the ADA Compliance Officer of the Decision on Reasonable Accommodation or Reasonable Modification Request. The LACDA can access the written decision from the tenant’s electronic folder. All other supporting documents will be maintained in a secured system.

### **Posting of Required Information**

The LACDA will maintain a bulletin board in a conspicuous area of the management offices which **will** contain:

Current Schedule of Routine Maintenance Charges and Lock-out Charges

A Fair Housing Poster

Notice to Applicants and Residents with Disabilities of LACDA’s Policy Regarding Reasonable Accommodations and Reasonable Modifications

An Equal Opportunity in Employment Poster

Current Resident Notices

Required Public Notices

Utility Allowances Schedule

Flat Rents Schedule

A VAWA Poster

Notices Summarizing the Rights of Limited English Proficiency (LEP) Individuals

### **E. VIOLENCE AGAINST WOMEN ACT**

The LACDA’s policy is to comply with the 2013 Violence Against Women Reauthorization Act (VAWA) Public Law 113-4-March 7, 2013 and the clarifying VAWA polices in the Federal Register, “Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs” published in November 16, 2016. The LACDA shall not discriminate against an applicant, or public housing resident on the basis of the rights or privileges provided under VAWA.



The LACDA will provide a “Notice of Occupancy Rights under the Violence Against Women Act” HUD form-5380 and “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation” HUD form-5382 published in December 2016 to an applicant that is **denied assistance**, at **Lease-In** when a new household is admitted into the program and when a resident is **notified of eviction or termination of assistance**.

#### F. FAMILY OUTREACH

The LACDA will disseminate information to publicize the availability of housing units and housing-related services for very low-income families on a regular basis.

The LACDA will communicate the status of housing availability to other service providers in the community. The LACDA will advise them of housing eligibility factors and guidelines so that service providers can make proper referrals for those who seek housing.

#### G. PRIVACY STATEMENT

Applicants and participants, including all adults in their households, are **required** to sign the form HUD-9886, “Authorization for Release of Information and Privacy Act Notice.” This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The LACDA’s policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

#### H. CONFIDENTIALITY

It is the policy of the LACDA to comply fully with all Federal, State, and local laws and with rules and regulations governing Confidentiality in housing. Each LACDA staff signs a “Confidentiality Agreement” at the commencement of their employment and participates in an annual Confidentiality and Security Awareness training. Each LACDA staff agrees **not** to disclose any applicant/resident information, directly or indirectly, that is of a personal, private, and confidential nature, to any person the information does **not** pertain to, or use such information in any way, either during the term of their employment or at any other time thereafter, except as follows:

To an officer, authorized employee, or authorized representative of the LACDA who has a job related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance;

If the tenant/applicant (or tenant’s/applicant’s parent/guardian, if tenant is a minor) consents in writing;

If disclosure is allowed by Court Order;

If disclosure is made to medical personnel in a medical emergency;

To the duly court appointed guardian or conservator of the individual;

To a law enforcement or regulatory agency, if the use of the information requested is in an investigation of unlawful activity under the jurisdiction of the requesting agency or for licensing, certification, or regulatory purposes by that agency;

To any person pursuant to a subpoena, court order, or other compulsory legal process if, before the disclosure, the LACDA reasonably attempts to notify the individual to whom the record pertains, and if the notification is not prohibited by law;

Disclosure of any information about suspected child or elder abuse and/or neglect reported to appropriate state or local authorities pursuant to state or local law.

To share resident information that is necessary to determine eligibility for County welfare department programs or services for which the client has applied or is receiving, as authorized by the State of California Health and Safety Code, section 34217.

To report all families to the EIV System who were terminated for adverse actions or who left the program owing money to the LACDA.

To any individual or organization provided by the applicant/resident on Form HUD-92006 to the LACDA. Information shared with the individual or organization is limited to the reason(s) the individual may be contacted, as provided by Form HUD-92006.

To an individual who has been given power of attorney by the applicant or resident.

By signing the “Confidentiality Agreement”, the LACDA staff agrees that all files, records, documents and similar items relating to their employment, whomever prepared by, are and shall remain exclusively the property of the LACDA and that said files shall be removed from the premises only with the express consent of the Executive Director or his/her designee. A violation of the “Confidentiality Agreement” may result in disciplinary action up to and including termination of employment. The unauthorized release of information may subject the LACDA and the LACDA staff to civil action under the Quality Housing and Work Responsibility Act of 1998.

### **Confidentiality of Reasonable Accommodations and Reasonable Modifications Requests**

Any and all information, which would lead one to determine the nature and/or severity of a person’s disability will remain confidential and will be maintained in a secure tracking system. The personal information in this system must not be released except on an “as needed” basis in cases where an accommodation is under consideration. **If the LACDA receives a verification document that provides a person’s diagnosis or details of treatment for a disability or medical condition, the LACDA will dispose of it.** The LACDA will note the file that a disability (in place of the specific disability information) and any other information requested has been verified, the date the verification was received, and the name and address of the knowledgeable

professional who sent the information.

I. VAWA CONFIDENTIALITY

All VAWA information provided to the LACDA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, shall be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is-

1. Requested or consented to by the individual in writing to release the information on a time limited basis;
2. Required for use in an eviction proceeding under subsection (1)(5) or (6) of Public Law 109-162 referencing amendments made to Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d); or
3. Otherwise required by applicable law.

## Chapter 2

### ELIGIBILITY AND SUITABILITY FOR ADMISSION TO PUBLIC HOUSING

#### [24 CFR Part 960, Subpart B]

#### INTRODUCTION

This chapter describes the eligibility and suitability criteria for admission to the public housing program. The policy of the LACDA is to apply these criteria to evaluate the qualifications of families who apply. The LACDA will review all information provided by the family carefully and without regard to factors other than those defined in this chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the LACDA pertaining to their eligibility and suitability.

#### **PART I: ELIGIBILITY**

##### A. QUALIFICATION FOR ADMISSION

In order to be deemed eligible for admission to public housing, an applicant must meet the following criteria:

Meet the definition of a family as defined by HUD and the LACDA.

Has a head of household, co-head or spouse/marital-type partner where at least one of these members is either a U.S. citizen or eligible non-citizen. (24 CFR Part 5, Subpart E).

Has an annual income at the time of admission that does not exceed the Income Limits for occupancy established by HUD and posted separately on the LACDA website.

Provide a Social Security number for all family members or will provide written certification that they legally cannot obtain Social Security numbers at this time and will notify the LACDA upon receipt of a Social Security number issued by the Social Security Administration office.

Meet the Suitability Criteria as set forth in this chapter.

Has no outstanding debts to this LACDA, any other PHA or any other governmental agency, excluding educational loans.

Has no current debt to a Utility Company or has entered into a repayment agreement with the Utility Company for outstanding debts.

The LACDA shall permanently deny admission to persons convicted of manufacturing or producing methamphetamine on the premises of assisted housing.

The LACDA shall deny admission to sex offenders who are subject to a lifetime registration requirement under a State sex offender’s registration program.

**Violence Against Women Act (VAWA): Perpetrator removal or documentation of rehabilitation**

In cases where the applicant family includes the perpetrator as well as the victim, the LACDA will require either:

1. That the perpetrator be removed from the household and not reside in the unit; or
2. That the family provide documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment.
  - If the family chooses the second option, the documentation **must** be signed by an employee or agent of a domestic violence service provider or administrative agency, or by a mental health, medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse.
  - The signer of the documentation **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 and attest to the documentation.

Timing for the Verification of Qualifying Factors

The LACDA shall not verify eligibility factors until the LACDA “batches” applicant files from one of the thirteen site-based waiting lists after determining that a sufficient number of vacancies warrant a pool of eligible applicants.

B. DEFINITION OF FAMILY

Definition of Family

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

A single person, who is an elderly person, displaced person, a person with disabilities, near-elderly person, or any other single person; or

A group of persons residing together, and such group include, but is not limited to:

- (1) 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);

- (2) An elderly family;
- (3) A near-elderly family;
- (4) A disabled family;
- (5) A displaced family;
- (6) The remaining member of a tenant family;
- (7) A foster care arrangement, or a kinship care arrangement;
- (8) Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family;
- (9) Live-In Aides may also be considered part of the applicant family's household. However, live-in aides are not family members and have no right of tenancy or continued occupancy; and
- (10) Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy; the term family also includes the remaining member of a resident family with the capacity to execute a lease.

Elderly, disabled, and displaced families as defined by HUD in CFR 5.403.

Other families are defined by the LACDA as follows:

A family, other than an elderly, disabled, or displaced family, is defined by the LACDA as one or more persons who intend to share residency in the public housing unit, and whose income and resources are available to meet the family's needs.

#### Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

#### Spouse of Head

“Spouse” means the husband or wife of the head.

The definition of “spouse” is the marriage partner who, in order to dissolve the relationship, and would have to be divorced. It includes the partner in a common-law marriage. The term “spouse”

does not apply to boyfriends, girlfriends, significant others, or co-heads.

### Co-Head

An individual in the household who is equally responsible for the lease with the Head of Household. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent.

### Live-In Aides

A family may include a live-in aide provided that such live-in aide:

Is determined by the LACDA to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program.

Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.

Live-in aides are not subject to Non-Citizen Rule requirements.

Live-in aides may not be considered as a remaining member of the resident family.

Relatives are not automatically excluded from being live-in aides, but they **must** meet all of the elements in the live-in aide definition described above.

Family members of a live-in aide may also reside in the unit, providing that doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member(s) does not overcrowd the unit.

A live-in aide may only reside in the unit with the approval of the LACDA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider **must** certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50–61) or disabled.

Verification of the need for a live-in aide **must** include the hours the care will be provided.

The LACDA has the right to disapprove a request for a live-in aide based on the “Other Eligibility Criteria” described in this chapter. A family has the right to an appeal of the decision under Chapter 14 “Grievances and Appeals”.

The family is responsible for the actions of the live-in aide. The live-in aide **must** comply with obligations of the family to maintain the unit and premises in a decent, safe and sanitary manner and not to disturb the peaceful enjoyment of the premises. Prior to residing in public housing, a live-in aide **must** pass a criminal background check, be deemed suitable by the LACDA and is required to execute a “Live-in Aide Agreement” with the LACDA.

#### Spouses Living Apart

An applicant who declares that he/she is married but living apart from their spouse, **must** provide proof of address for their spouse including but not limited to a utility bill, Lease or other LACDA acceptable address verification. Proof of legal separation may be requested from the LACDA.

#### C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Families are required to provide verification of Social Security Numbers issued by the Social Security Administration office for all family members prior to admission, or written certification that they legally cannot obtain Social Security numbers at this time and will notify the LACDA upon receipt of a Social Security number. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of Social Security Numbers is grounds for denial of admission or termination of tenancy.

If a member legally cannot obtain a Social Security Number, he/she must sign a certification stating that he/she does not have one. The certification shall:

State the individual’s name, state that the individual has not been issued a Social Security Number;

State that the individual will disclose the Social Security Number to the LACDA, if he/she obtains one at a later date;

Be signed and dated.

#### D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

In order to receive assistance, a family member must be a U.S. citizen, a citizen of the Freely Associated States of the Marshall Islands, the Federated States of Micronesia, and Palau, or an eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family’s status is defined.

Mixed Families: A family is eligible for assistance as long as at least one member is a



citizen or eligible immigrant. Families that include eligible and ineligible individuals are called “mixed.” Such applicant families will be notified that their assistance will be prorated and that they may request a hearing if they contest this determination.

Non-eligible members: Applicant families that include only non-eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students: As defined by HUD in the non-citizen regulations, non-citizen students are not eligible for assistance.

The LACDA will establish and verify eligibility no later than the date of the family’s first annual reexamination.

E. DENIAL OF ADMISSION FOR PREVIOUS DEBTS TO THE LACDA, ANY HOUSING AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY

Previous outstanding debts incurred by all adult members of an applicant household to LACDA, any Housing Authority, or any other governmental agency, excluding educational loans, must be paid in full prior to admission.

F. INCOME LIMITS

Income eligibility for the public housing program is based on the total anticipated income from all sources received by any family member except for listed income exclusions in Chapter 5. Income limits are determined by HUD and updated annually. The LACDA shall use income guidelines provided by HUD to determine program eligibility for the public housing program. These income guidelines will be posted at all times at the LACDA’s site management offices and the LACDA website.

**PART II: SCREENING FOR SUITABILITY [24 CFR 960.204, 960.205]**

A. SUITABILITY CRITERIA

All applicants will be processed in accordance with HUD’s regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

To pay rent and other charges as required by the lease in a timely manner;

To care for and avoid damaging the unit and common areas;

To use facilities, appliances and equipment in a reasonable way;

To create no health or safety hazards, and to report maintenance needs in a timely manner;  
Not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;

Not to engage in criminal activity or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity;

Not to have ever been convicted of manufacturing or producing methamphetamine, also known as “speed,” on the premises of assisted housing;

Not to be subject to sex offender lifetime registration under a State sex offender registration program. \*

To comply with necessary and reasonable rules and program requirements of HUD and the LACDA; and

To comply with local health and safety codes.

In developing its admission policies, the aim of the LACDA is to attain a resident body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of the LACDA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

The LACDA will conduct a detailed oral, personal, or virtual interview of all applicants designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers may be subject to third party verification.

An applicant’s misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition, criminal history, or rent may result in denial of admission. If the LACDA discovers that an applicant misrepresented such information and that such misrepresentation led to the applicant’s admission, the applicant shall be deemed not eligible for admission and **shall** be subject to termination.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease. Should the applicant require assistance in order to comply with the terms of the lease, the applicant must notify the LACDA. (24 CFR 8.2 Definition: Qualified Individual with Disabilities). The availability of assistance is subject to verification by the LACDA.

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\* This requirement includes minors from 13 to 17 years of age.

The LACDA's minimum age for admission as head of household is 18, so that the LACDA will avoid entering into leases that would not be valid or enforceable under applicable law. \*

As a part of the final suitability determination, the LACDA will screen each applicant household to assess their suitability as renters.

The LACDA will complete a credit check and rental history check on applicants 18 years of age or older, including emancipated youth within the family composition as noted on the application. The LACDA may complete a home visit at the current residence of all applicants who:

Have had landlords refuse to sign their Resident Reference Form;

Stated information on their application that is inconsistent with information on the credit and unlawful detainer report;

Do not have an established residence at the time of their suitability review (e.g., state they live "here and there with friends");

Have landlords raise suitability issues on the Resident Reference Forms;

Have a criminal history that raises suitability concerns;

Claim to have zero income (to establish how they are meeting their needs);

Were interviewed by LACDA staff who has found the applicant's statement or behavior to raise concerns regarding suitability.

The LACDA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

The applicant's past performance in meeting financial obligations, especially rent;

Eviction or records of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences, which may adversely affect the health, safety, or welfare of other residents or neighbors;

Any history of criminal activity on the part of any applicant family member, involving criminal acts, including drug-related criminal activity;

Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors;

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\* The LACDA shall make an exception for emancipated minors upon completion of verifying their legal status as such.

Any history of initiating threats or behaving in a manner that indicates intent to assault LACDA/HUD employees, LACDA contractors, or other residents;

Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

Any evidence of housing assistance termination for adverse actions or who left the program owing money to a Housing Authority.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the LACDA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conducts, and behavior must demonstrate that the applicant family can reasonably be expected not to:

Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare [24CFR 960.205(b)];

Adversely affect the physical environment or financial stability of the development [24CFR 960.205(b)];

Violate the terms and conditions of the lease [24CFR 8.3];

Require services from LACDA staff that would alter the fundamental nature of the LACDA's program [24 CFR 8.3].

## B. SCREENING FOR DRUG-RELATED AND/OR CRIMINAL ACTIVITY

It is the intention of the LACDA to administer a policy that maintains decent, safe, and sanitary public housing. All screening procedures shall be administered fairly and in such a way as to not discriminate on the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law, as well as not in violation of the right to privacy. These screenings will be deemed current for a period of 90 days at which point the LACDA must run the background check again before time of move in.

The LACDA will obtain and take into consideration criminal summary history information from State and/or local law enforcement agencies, and the Federal Bureau of Investigations (FBI) on all applicants over the age of eighteen for the purpose of determining resident suitability. The LACDA may also obtain and take into consideration public records of past and current criminal history of the applicant and proposed member of the applicant's household. The LACDA will verify the

information collected on its applicants and take information into consideration for admissions purposes.

All applicants to the public housing program will be screened for drug-related, violent- and any other criminal activity involving the applicant and proposed member of the applicant's household during the suitability review process. The LACDA defines criminal activity in the following manner:

Drug-Related Criminal Activity: the illegal manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)). \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects applicants to the denial of admission.

Violent Criminal Activity: any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Sex Offense Related Criminal Activity: Any criminal activity that subjects a member of the applicant's household, which includes minors 13 to 17 years of age, to be subject to sex offender lifetime registration under a State sex offender registration program.

Other Criminal Activity: any criminal activity including, but not limited to, violent criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the public housing premises by other residents or persons residing in the immediate vicinity or employees of the LACDA.

Applicant(s) engaging in fraud or bribery associated with any federal housing program:

The LACDA shall deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The LACDA may make an exception in determining admission if the family member(s) who participated or were culpable for the action do **not** reside in the assisted unit.

Denial of Admission for Drug-Related Criminal Activity:

The LACDA shall permanently deny admission to any applicant if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, in accordance with HUD regulations. \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies

relating to drug-related criminal activity and constitutes “drug-related criminal activity” under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for medical and/or recreational reasons subject applicants to the denial of admission.

The LACDA denies admission of any applicant evicted from federally assisted housing by reason of drug-related criminal activity within the previous three-year period, unless the evicted resident successfully completed a rehabilitation program approved by the LACDA and is willing to continue with counseling and support activities.

The LACDA shall deny admission to applicants that it determines has reasonable cause to believe a household member's illegal drug use or alcohol abuse or pattern of illegal drug use or alcohol abuse may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

In determining whether to deny admission to public housing based on a pattern of illegal use of a controlled substance or abuse of alcohol by an applicant, and/or prior eviction from federally assisted housing by reason of drug-related criminal activity, the LACDA may consider the following mitigating factors:

Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

Has otherwise been rehabilitated successfully and is willing to continue with counseling and support activities and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

Is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

Notwithstanding Sections a, b, and c, the LACDA reserves the right to deny admission to applicants who have engaged in any drug-related criminal activity within a previous three-year period. In such a determination, the LACDA shall take into account the above-listed mitigating factors.

#### Denial of Admission of Persons Engaged in Violent Criminal Activity

In accordance with Section 576 (C) of the Quality Housing and Work Responsibility Act of 1998, the LACDA shall deny admission to public housing for any applicant who has engaged in violent criminal activity within the last three years. Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving crimes of physical violence to persons or

property.

#### Denial of Admission of Persons Engaged in Other Criminal Activity

In accordance with 24 CFR section 960.203 (c) (3), the LACDA may deny the admission of persons who have a history of criminal activity involving criminal acts which would adversely affect the health, safety or welfare of other tenants. The LACDA shall consider “other criminal activity” engaged in by an applicant in determination of suitability for public housing.

#### Denial of Admission for Lifetime Sex Offender Registrants

In accordance with 24 CFR 960.204 (a)(4), the LACDA shall permanently deny admission to any applicant, which includes minors 13 to 17 years of age, who is subject to a sex offender lifetime registration under a State sex offender registration program.

#### Right to Informal Hearing

Applicants denied admission to public housing based on drug-related, violent or other criminal activity may dispute the information revealed in the criminal summary history information or the determination made by the LACDA and request an informal hearing in accordance with the LACDA’s grievance policy.

### C. OTHER SUITABILITY FACTORS

#### Rent-Paying Habits

The LACDA will examine any LACDA records from a prior tenancy and will request written references from the applicant’s current landlord and may request written references from the applicant’s former landlords for up to the past three years.

Based upon these verifications, the LACDA will determine if the applicant was chronically (more than three (3) within the last 12 month period) late with rent payments, has been evicted for nonpayment of rent within the last three (3) years, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

#### Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant’s record of unsuitable history or behavior, which, when verified, would indicate both: (1) what the reason for the unsuitable history and/or behavior is; and (2) that the reason for the unsuitable history and behavior is no longer in effect or is under control, and the applicant’s prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the time, nature, and extent of the applicant’s conduct and to factors that might indicate a reasonable

probability of favorable future conduct. In order to be factored into the LACDA's screening assessment of the applicant, mitigating circumstances **must be verifiable**.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the LACDA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The LACDA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of mitigating circumstances:

Evidence of successful rehabilitation;

Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the LACDA;

Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The LACDA will consider such circumstances in light of:

The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and the applicant's overall performance with respect to all the screening requirements.

#### D. QUALIFIED AND UNQUALIFIED APPLICANTS

Information which has been verified by the LACDA will be analyzed and a determination will be made with respect to:

The eligibility of the applicant as a family;

The eligibility of the applicant with respect to income limits for admission; and

The eligibility of the applicant with respect to citizenship or eligible immigration status.

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both United States Citizenship and Immigration Services (USCIS) and LACDA procedures, except for a pending LACDA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified in writing with a Notice of Denial of Admission stating the reason for the denial. The LACDA shall provide



applicants the opportunity for an informal hearing (see chapter titled “Grievances and Appeals”).

The LACDA will make every effort to estimate an approximate date of occupancy. However, the date given by the LACDA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the LACDA, such as turnover rates, and market demands as they affect bedroom sizes and development location.

#### E. DOCUMENTATION OF FINDINGS

An authorized representative of the LACDA shall document any pertinent information received relative to the following:

Criminal Activity—includes the activities listed in the definition of criminal activity in this chapter.

Pattern of Violent Behavior—includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.

Pattern of Drug Use—includes a determination by the LACDA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Drug-Related Criminal Activity—includes a determination by the LACDA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.

Pattern of Alcohol Abuse—includes a determination by the LACDA that the applicant’s pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

Initiating Threats—or behaving in a manner indicating an intent to assault employees or other residents.

Abandonment of a Public Housing Unit without advising LACDA officials so that staff may secure the unit and protect its property from vandalism.

Non-Payment of Rightful Obligations—including rent and/or utilities and other charges owed to the LACDA or other Housing Authority.

Falsifying an Application for Leasing—providing false information about family income and size, using an alias on the application for housing, or making any other materially false statement or omission intended to mislead.

Record of Serious Disturbances of Neighbors, Destruction of Property or Other Disruptive or Dangerous Behavior—consists of patterns of behavior that endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility; that damage the equipment or premises in which the applicant resides; or that are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant’s inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties that have resulted in serious disturbances of neighbors.

Grossly Unsanitary or Hazardous Housekeeping—includes the creation of a fire hazard through acts such as hoarding; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.

Destruction of Property from previous rentals.

Whether Applicant or Resident Is Capable of Maintaining the Responsibilities of Tenancy  
In the case of applicants for admission, the person’s present living arrangements and a statement obtained from applicant’s physician, social worker, or other health professional will be among factors considered in making this determination. The availability of a live-in aide will be considered in making this determination.

In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant’s conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects. However, this does not preclude the LACDA from rescinding a determination of an applicant’s eligibility and suitability should the receipt of unfavorable information, and/or the discovery of falsified information, occur after the LACDA has concluded its screening process.

F. PROHIBITED CRITERIA FOR DENIAL OF ADMISSION

The LACDA shall not reject an applicant on the basis that such applicant:

- Has no income;
- Is not employed;
- Does not participate in a job-training program;

Will not apply for public assistance or benefit programs;

Has a child (or children);

Has children born out of wedlock;

Is on welfare; and

Is a student;

On the basis of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law;

Is or had been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant otherwise qualifies for assistance or admission, and that nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provide greater protection than this section for victims of domestic violence, dating violence, sexual assault or stalking.

## Chapter 3

### APPLICATIONS AND MANAGEMENT OF THE SITE BASED WAITING LISTS

[24 CFR 5.400, 5.600, 960.201 through 960.208]

#### INTRODUCTION

The policy of the LACDA is to ensure that all families who express an interest in public housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner. This chapter describes the policies and procedures for entering new applications on up to thirteen site based waiting lists based on eligibility, opening and closing of the waiting lists, determining essential applicant information for waiting list placement, administering preferences, and removing applicants from a waiting list. The LACDA maintains thirteen separate waiting lists, with seven of those waiting lists designated as Elderly-Only housing developments.

#### A. ENTERING NEW APPLICANTS ON A WAITING LIST

During the opening of the public housing waiting lists, applicants interested in public housing may call the LACDA's application phone line to submit an application to be placed on up to thirteen waiting lists (contingent upon unit size required and other eligibility requirements as set forth below) or apply online at [www.lacda.org](http://www.lacda.org). Upon a request from a person with a disability, the LACDA will make the waiting list application available in an accessible format. The LACDA provides a full listing of the locations of accessible units and their features on the LACDA website and a "Notice to Applicants and Residents with Disabilities of the LACDA's Policy Regarding Reasonable Accommodations and Reasonable Modifications". The Notice provides the applicants and residents with their rights to and procedures to request a reasonable accommodation and/or reasonable modification.

Current public housing residents are prohibited from reapplying and placing their name on any of the thirteen waiting lists.

#### **The LACDA maintains thirteen separate waiting lists:**

Carmelitos Family  
East County Family  
Quartz Hill Family  
Harbor Hills Family  
Santa Monica Family  
South Scattered Sites Family

#### **Elderly-Only waiting lists**

South Bay Gardens Senior  
Carmelitos Senior  
East County Senior  
West Knoll/Palm Senior

Marina Manor Senior  
Orchard Arms Senior  
Foothill Villa Senior

B. PROCEDURES FOR INITIAL APPLICATION TO A WAITING LIST

The purpose of the initial application is to permit the LACDA to determine placement on the waiting lists. At the time of the application intake, whether through the application phone line or website, the LACDA will obtain the following information:

- Name, residence address and social security number of the head of household;
- Name and social security number of any co-head, spouse/marital-type partner;
- Name and social security number of each additional household member;
- Date of birth for each household member;
- Date and time of application;
- Amount of annual income;
- Disability status for each member;
- Information regarding request for reasonable accommodation or a need for an accessible unit with specific features;
- Employment address;
- Veteran status if applicable; and
- Homelessness status if applicable

The LACDA requires that applicants report in writing or update their online portal account to the LACDA of changes in family composition and address within 30 calendar days of the occurrence. The LACDA also requires that applicants respond to requests from the LACDA by the established due date, to update information on their application, or to determine their continued interest for assistance.

Initial application and placement on the waiting list

If the head of household/co-head and/or spouse/marital-type partner no longer need housing assistance, or are deceased, their application and placement on the waiting list will be immediately forfeited and cannot be transferred to any other family member or person.

Multiple families in the same household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with their own husband or children), if they apply as a family unit, they will be treated as a family unit and will only be provided one unit if offered housing.

C. NOTIFICATION OF APPLICANT STATUS

Upon submission of the initial application, the LACDA will post on the online waiting list registration page the applicant's eligibility and waiting list(s) status.

Should the family be determined as ineligible, based on the information provided during the initial application, the LACDA will notify the family in writing (or in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. Refer to the chapter “Grievances and Appeals.”

#### D. OPENING AND CLOSING OF A WAITING LIST

The LACDA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close any of the thirteen waiting lists will be based on the number of applications available for a particular size and type of unit, and the ability of the LACDA to house an applicant in an appropriate unit within a reasonable period of time.

The LACDA will publicly announce the decision to close any of the thirteen waiting lists and/or restrict intake through public notice in local newspaper publications, media entities, and social service agencies. The public notice will contain the date and time when the LACDA will close a waiting list. Generally, the LACDA will give at least ten days’ notice prior to closing any of the thirteen site-based waiting lists. Furthermore, during the period when a waiting list is closed, the LACDA will not maintain a list of individuals who wish to be notified when a waiting list is open. Upon a reasonable accommodation request from a person with a disability, an accommodation may be granted such as additional time for submission of an application after the closing deadline. An individual may request a reasonable accommodation at any time.

Opening of a waiting list will be announced in the same manner as closing of a waiting list. This notice will be made in an accessible format if requested. It will provide potential applicants with information that includes the LACDA address and telephone number, how to submit an application, and information on eligibility requirements.

Unless a waiting list is closed, the LACDA will accept an application, even if the LACDA believes that the applicant is probably not eligible. If an applicant would like to be removed from a waiting list they selected, the applicant **must** submit a request in writing and submit this request ***prior to being selected*** from a specific waiting list.

#### E. REMOVAL FROM A WAITING LIST AND PURGING

##### Purging of a waiting list

A waiting list may be purged at least once a year by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing and/or notification on the LACDA website/online portal will request for current information and confirmation of continued interest in the program. Notices will be made available in an accessible format upon the request of a person with a disability.

Should an applicant fail to respond within ten calendar days or by the specified due date s/he will be removed from all applicant selected waiting lists. If a letter is returned by the Post Office with

a forwarding address, it will be considered as ‘returned undeliverable’ and the applicant will be subject to removal from all selected waiting lists. An extension to reply to the purge notification will be considered as a reasonable accommodation if requested by a person with a disability. The LACDA will also consider as an accommodation the reinstatement of an applicant who did not respond in the timeframe described above because of a verified reason connected to a disability.

Granting a request for re-instatement by applicants removed from all selected waiting lists due to their failure to respond will be at the discretion of the LACDA in consideration of factors such as:

- A verified family/health/work emergency;
- The applicant failed to respond to a request for information or updates because of a family member’s disability;
- The applicant can provide verification or attest they were homeless at the time of the mailing;
- The applicant can verify a mail delivery problem;
- The applicant failed to respond to a request for information due to the applicant’s status as a victim of domestic violence, dating violence, sexual assault or stalking.

Periodically, applicants will call to check their status on the waiting list and learn that they have been purged from the waiting list. In extenuating circumstances, such as those listed above, the applicant may be reinstated. **However, the applicant must be able to provide documentation of the circumstances.** Such requests will be reviewed and decided on a case-by-case basis by the LACDA.

In addition, the LACDA will remove applicants from all applicant selected public housing waiting lists once they have been housed, have requested in writing that their names be removed, have not responded to the LACDA’s request for information, have not met the eligibility/suitability screening criteria, or they have refused an offer of housing without good cause (24 CFR 960.206).

Applicants who are denied (because the LACDA determined they were ineligible/unsuitable) are entitled to an informal hearing. Please refer to chapter 14 “Grievances and Appeals.”

#### F. WAITING LIST PREFERENCES

A preference is not an automatic guarantee of admission to the program. Preferences are used to establish the order of placement on the waiting lists. Every applicant must meet the LACDA’s Selection Criteria as defined in this policy.

The LACDA’s preference system will work in combination with requirements to match the characteristics of the family to the type of unit available, including units with targeted populations, and further de-concentration of poverty in public housing. When such matching is required or permitted by current law, the LACDA will give preference to qualified families.

The LACDA will mail a full application to families who reach the top of a waiting list. The LACDA will verify their waitlist preference status. Applicants may not retain their preference status on a waiting list if upon verification of their preference, it is deemed invalid. Furthermore, applicants will be returned to the wait list without the preference status and will maintain the original registration date. Applicant will be cancelled if they fail to complete the application process and will be removed from all other site based wait list the family selected.

Among applicants with equal preference status, waiting lists will be organized according to date and time of application.

### Local Preferences

Local preferences will be used to select among applicants on a waiting list. A public notice with opportunity for public comment will be held before the LACDA adopts or changes any local preference.

The notice will be distributed following the same guidelines as those used for opening or closing a waiting list.

### General Occupancy Housing Developments

The LACDA has established the following local admissions preferences for general occupancy housing developments:

In accordance with the State of California Health and Safety Code section 34322.2, the LACDA gives priority to families of veterans and servicepersons including the spouse/marital-type partner of a deceased veteran or serviceperson, within each of the admissions preference categories below.

#### First Preference: Homeless

##### **Homeless Families and Victims of Domestic Violence:**

The LACDA provides a countywide waiting list preference for homeless families. The preference is limited to 30% of the number of vacant general occupancy public housing units available on July 1 of each fiscal year. The family must consist of two (2) or more persons with one (1) member being under the age of 18 or be a single elderly and/or disabled person. Victims of domestic violence, dating violence, sexual assault or stalking receive the same admissions preference as homeless families.

For the family properties located specifically in the South Los Angeles County area, the LACDA provides an expanded waiting list homeless preference by first offering any unit that becomes available to a homeless family.

Effective July 01, 2021, the LACDA will provide an expanded waiting list homeless preference, limited to three (3) households per year, for each of the family



housing developments at Carmelitos, Nueva Maravilla, and Harbor Hills.

To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status.

**Transitional Aged Youth (TAY):**

The LACDA provides a homeless preference to TAY. This preference is limited to 3 households per housing development at Carmelitos, Harbor Hills, and Nueva Maravilla, where on-site services are available to ensure that case management will continue to be provided. In order to qualify for the TAY, the applicant must be referred to the LACDA by a JPA, County agencies or CBO with a contract or MOU in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals.

Second Preference: Families that have been displaced by a natural disaster declared by the President of the United States or through a governmental action.

Third Preference: Families who live and/or work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program.

Fourth Preference: Families that do not live or work in unincorporated Los Angeles County.

Elderly Families Housing Developments

The LACDA has established the following local admissions preferences for elderly-only housing developments:

In accordance with the State of California Health and Safety Code section 34322.2, the LACDA gives priority to families of veterans and servicepersons including the spouse/marital-type partner of a deceased veteran or serviceperson, within each of the admissions preference categories below.

First Preference: For the Carmelitos, Nueva Maravilla “Rosas”, and Francisquito Villa senior designated properties, 25% of anticipated annual vacancies will be offered to homeless elderly families. Elderly families must be referred by a partnering agency with a contract or MOU in place with the LACDA. The referring agency must provide a certification of the elderly family's homeless status. An elderly family is a household whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Second Preference: Elderly Families that live and/or work in unincorporated Los Angeles County or who live in Los Angeles County and not covered by another PHA Public Housing program.

Third Preference: Elderly Families who do not live and/or work in unincorporated Los Angeles County.

The LACDA has an MOU with the Long Beach Housing Authority to permit residents of the City of Long Beach to be classified as in-jurisdiction applicants for housing at the Carmelitos Public Housing development only. Once the LACDA provides public housing assistance to a City of Long Beach resident at the Carmelitos Public Housing development, the resident must abide by and is governed by all policies in the LACDA's Admissions and Continued Occupancy Policy, Public Housing Lease Agreement ("Lease"), any Lease addendums and any other Public Housing rules and policies. Additionally, these residents are eligible to transfer to any other Public Housing development owned by the LACDA. Approval of a transfer request is delineated in Chapter 7 "Transfer Policy".

#### G. VERIFICATION OF PREFERENCE QUALIFICATION

A family's placement on any one of the thirteen waiting lists is based upon whether the family qualifies for an admissions preference. When a family is selected from one of the waiting lists during the final determination of eligibility, the LACDA shall verify the preference.

If the preference verification indicates that the family did not qualify for an admissions preference at the time of selection, the family will be returned to the waiting list and ranked without regard for a local preference and given an opportunity for a review.

#### Change in Circumstances

Changes in applicant's circumstances while on any of the thirteen waiting lists may affect the family's entitlement to a preference. Applicants are required to notify the LACDA in writing when their circumstances change within 30 calendar days of the occurrence. When an applicant claims an additional preference, s/he will be placed on a waiting list in the proper order of their newly claimed preference.

#### H. PREFERENCE DENIAL

If the LACDA denies a preference, the LACDA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal hearing. The applicant will have ten calendar days to request the hearing in writing. If the preference denial is upheld as a result of the hearing, or the applicant does not request a hearing, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against by the LACDA.

I. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS

Before applying its preference system, the LACDA will first match the characteristics of the available unit to the applicants available on a specific waiting list. Factors such as unit size, accessible features, de-concentration or income mixing, income targeting, or units in housing designated for the elderly and/or disabled limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

A family that is disabled and requires specific accessible features, will be prioritized for vacant ADA units ahead of a family that is non-disabled.
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J. INCOME TARGETING

The LACDA will monitor its admissions to ensure that at least 40% of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of area median income of the LACDA's jurisdiction.

The LACDA shall, at its discretion, at least annually, exercise the "fungibility" provision of QHWRA by admitting less than 40% of "extremely low income families" to public housing in a fiscal year, to the extent that the LACDA has provided more than 75% of newly available Section 8 Housing Choice Vouchers to "extremely low income families." This fungibility provision discretion by the LACDA is also reflected in the LACDA's Section 8 Administrative Plan.

The fungibility credits will be used to drop the annual requirement below 40% of admissions to public housing for extremely low-income families by the lowest of the following amounts:

The number of units equal to 10% of the number of newly available vouchers in the fiscal year; or

The number of public housing units that 1) are in public housing developments located in census tracts having a poverty rate of 30% or more, and 2) are made available for occupancy by and actually occupied in that year by, families other than extremely low-income families.

The Fungibility Floor: Regardless of the above two amounts, in a fiscal year, at least 30% of the LACDA's admissions to public housing will be for extremely low-income families. The fungibility floor is the number of units that cause the LACDA's overall requirement for housing extremely low-income families to drop to 30% of its newly available units.

K. UNITS DESIGNATED FOR THE ELDERLY

The LACDA submitted an Allocation Plan as required by the 1992 Housing Act to designate specific units or sites for elderly applicants only. HUD approved the designation of twelve Public Housing developments as Elderly-Only (all household members must be 62 years of age or older). In accordance with the 1992 Housing Act, elderly families will receive a preference for admission to these twelve Elderly-Only housing developments. If there is a shortage of Elderly-Only applicants, the LACDA has the option to house near-elderly families (ages fifty to sixty-one years of age).

HUD approved the senior designation of the housing developments listed below on August 27, 2013. A non-elderly resident (61 years or younger) living at any of the Elderly-Only housing developments listed below prior to August 27, 2013, is “grandfathered” in and allowed to remain at the property. If a resident living at a Senior Only housing development requests to add a new household member to their Lease after August 27, 2013, the new household member must be 62 years or older.

### **Elderly-Only Housing Developments**

Carmelitos

Nueva Maravilla “Rosas”

West Knoll

Palm

Marina Manor I

Marina Manor II

Orchard Arms

Foothill Villa

Francisquito Villa

Whittier Manor

Herbert Avenue

South Bay Gardens

### **L. UNITS DESIGNATED FOR THE DISABLED**

The LACDA may elect at some future time to submit an Allocation Plan as required by the 1992 Housing Act to designate specific units or sites for disabled applicants only. In accordance with the

1992 Housing Act, disabled families with a head of household/co-head and/or spouse/marital-type partner or sole member who qualifies as a person with disabilities as defined in 24 CFR 945.105 will receive a preference for admission to units that are covered by a HUD-approved Allocation Plan.

M. GENERAL OCCUPANCY UNITS

General occupancy units are designed to house all populations of eligible families. In accordance with the LACDA's occupancy standards, eligible families will be admitted to the LACDA's general occupancy units.

The LACDA will use its local preference system as stated in this chapter for admission of eligible families to its general occupancy units.

N. DECONCENTRATION OF POVERTY AND INCOME MIXING

The LACDA's admission policy is designed to provide for de-concentration of poverty and income-mixing by bringing higher income residents into lower income developments and lower income residents into higher income developments.

A resident's gross annual income is used to determine income limits at admission and for income-mixing purposes.

De-concentration and Income-Mixing Goals

The LACDA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to "extremely low-income families," will be to admit higher income families to lower income developments, and lower income families to higher income developments.

De-concentration will apply to transfer families as well as applicant families.

Development Designation Methodology

The LACDA will determine on an annual basis the average income of all families residing in general occupancy developments.

The LACDA will then determine whether each general occupancy development falls above, within, or below the Established Income Range (EIR).

The EIR is 85 percent to 115 percent (inclusive of 85 percent and 115 percent) of the LACDA-wide average income for general occupancy developments.

The LACDA will then determine whether or not developments outside the EIR are consistent with

local goals and strategies in the LACDA Agency Plan.

The LACDA may explain or justify the income profile for these developments as being consistent with and furthering two sets of goals:

1. Goals of de-concentration of poverty and income mixing (bringing higher income residents into lower income developments and vice versa); and
2. Local goals and strategies contained in the LACDA's Agency Plan.

### De-concentration Policy

If, at annual review, there are found to be development(s) with average income above or below the EIR, and where the income profile for a general occupancy development above or below the EIR is not explained or justified in the Agency Plan, the LACDA shall adhere to the following policy for de-concentration of poverty and income mixing in applicable developments.

Skipping a family on any of the thirteen waiting lists to reach another family in an effort to further the goals of the LACDA's de-concentration policy:

If a unit becomes available at a development below the EIR, the first eligible family on a waiting list with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

If a unit becomes available at a development above the EIR, the first eligible family on the waiting list with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the next family regardless of income.

Skipping of families for de-concentration purposes will be applied uniformly to all families.

A family has the sole discretion whether to accept an offer of a unit made under the LACDA's de-concentration policy. The LACDA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under this de-concentration policy. However, the LACDA shall uniformly limit the number of offers received by applicants, described in this Chapter.

The LACDA provides a waiting list preference to homeless families referred by the agencies listed in this Chapter. Only the veteran/serviceperson and homeless preferences can override de-concentration and income mixing policies.

If the average incomes of all general occupancy developments are within the Established Income Range, the LACDA will be considered to be in compliance with the de-concentration agreement.

Nothing in the de-concentration policy relieves the LACDA of the obligation to meet the income targeting requirements.

#### LACDA Incentives for Higher Income Families

The LACDA may offer certain incentives to families with incomes above the EIR willing to move into a development with average income below the EIR.

#### O. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, LACDA shall affirmatively further fair housing to reduce racial and national origin concentrations.

The LACDA shall not require any specific income or racial quotas for any development or developments.

The LACDA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law for purposes of segregating populations.

#### P. COMPLETION OF A FULL APPLICATION

The LACDA utilizes the full application form to obtain information related to applicant's eligibility, preferences, and tenant history. Applicants who fail to complete the full application will be cancelled from any of the thirteen waiting lists the applicant selected.

Reasonable accommodation(s) will be made for persons with a disability that may include: providing materials in formats requested by applicants, allowing applicants to be represented by a family member, advocate, or case worker designated by the applicant, completing paperwork at a site other than the LACDA administrative office for applicants who cannot come to the office for a reason connected to their disability, granting extended time for responses to persons who cannot respond within the established timeframes because of a disability and reinstating applicants who do not respond within established timeframes due to a verified reason connected to a disability.

Preferences are based on an applicant's current status and shall be verified during the eligibility review, regardless of the length of time an applicant may have been on a specific waiting list. **The preference must exist at the time the LACDA initiates verification of applicant information.** The LACDA shall conduct Third Party Verification (TPV) of eligibility and preference at the time the LACDA initiates the eligibility review.

Additionally, the LACDA shall provide the applicant with the opportunity to complete information on Form HUD-92006, "Supplement to Application for Federally Assisted Housing". The forms give applicants the option to identify an individual or organization that the LACDA may contact and the reason(s) the individual may be contacted. The applicant must sign and date Form HUD-92006, if the applicant elects to provide the additional contact information. The LACDA shall not require any individual or family applying for occupancy to provide the contact information as providing contact information is optional on the part of the individual or family. The LACDA shall also provide applicants the opportunity at the time of admission to update, remove or change contact information provided at the time of application. An applicant may provide Form HUD-92006 for each contact, indicating the reason the LACDA may contact the individual or organization. Those applicants who choose not to provide the contact information must check the box indicating that they "choose not to provide the contact information" and sign and date the form.

#### Q. PROCESSING FULL APPLICATIONS

The LACDA will verify for the following items to determine qualification for admission to the LACDA's public housing program:

- Preference(s)
- Family composition and type (elderly/non-elderly)
- Annual income
- Assets and Asset Income
- Deductions from Annual Income
- Social Security Numbers for all family members
- Information used in applicant screening
- Citizenship or eligible immigration status
- Criminal history
- Rental history
- School enrollment (for all household members attending school)
- Credit history

If the LACDA determines that additional information or document(s) are needed, the LACDA will request the document(s) or information in writing. The applicant will be given ten (10) calendar days to supply the information. Should this information not be supplied within the timeframe, the LACDA will provide the applicant a notification of cancellation for assistance. Before the LACDA makes a final determination for qualification for admissions to the LACDA's Public Housing program, all adult family members may be required to attend an in person or virtual interview conducted by the LACDA. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

The LACDA only transfers Head of Household status to persons listed on the waiting list or application as Spouse or Co-Head under the following circumstances:

- In the event of the death of the Head of Household, a person already listed as the Spouse



or Co-Head on the waiting list or application may request a change of the Head of Household status by submitting a signed, written request along with a copy of the death certificate of the original Head of Household.

- In all other cases (including, but not limited to divorce, separation, abandonment, medical incapacity), the Head of Household status will be changed only when the original Head of Household submits to the LACDA a written release of the application to the Spouse or Co-Head, or if the Spouse or Co-Head requesting the transfer of Head of Household status submits to the LACDA legal documentation of his/her right to the application.

#### R. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the LACDA shall make a final determination of eligibility based upon information provided by the family, the verification conducted by the LACDA, and determination of resident suitability (refer to chapter on Eligibility for Admission).

A final eligibility determination is needed since rules and regulations governing the housing program are subject to change by HUD and/or applicants may have experienced a change in circumstance(s) during the review process that may affect their eligibility.

The applicant is not actually eligible for a unit offer until this final determination has been made, even though they may have been preliminarily determined eligible and have been placed on the waiting list. Additionally, applicants have a continuing obligation to provide material information to the LACDA within 30 calendar days of the occurrence.

#### S. PLAN FOR UNIT OFFERS

The LACDA plan for selection of applicants and assignment of dwelling units will assure equal opportunity and non-discrimination on grounds of race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law. The LACDA plan for selection is based on how many available units of suitable size and type within each of the thirteen waiting lists are available. This plan is also based on the distribution of vacancies within each of the thirteen waiting lists.

The applicant will be offered the next available unit in the location within the waiting lists selected by the applicant. If the offer is rejected, the LACDA will cancel the applicant. The LACDA will proceed to remove the applicant's name from all of the waiting lists selected. Removal from all selected waiting lists means the applicant must reapply.

If more than one unit of the appropriate type and size is available within a waiting list, the first unit to be offered will be the first unit that is ready for occupancy.

The LACDA will maintain a record of units offered, including location, date and circumstances of

each offer, each acceptance or rejection, including the reason for the rejection.

T. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from a waiting list and an offer of a suitable unit may affect the family's eligibility or Total Resident Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable. (See chapter on Grievances and Appeals.)

U. OFFER OF ACCESSIBLE UNITS

The LACDA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units.

No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered.

Before offering a vacant accessible unit to a non-disabled applicant, the LACDA will offer such units:

First, to a current occupant of another unit of the same development, or other public housing developments under the LACDA's control, who has a disability that requires the special features of the vacant unit.

Second, to an eligible qualified applicant on a specific waiting list having a disability that requires the special features of the vacant unit.

**Public Housing Lease Agreement Addendum Requirement**

When offering an accessible/adaptable unit to a non-disabled applicant, the LACDA will require the applicant to sign the "Addendum to Public Housing Lease Agreement" that certifies that the applicant will relocate after receiving a thirty (30) day written notice to the first available vacant unit of appropriate size, at the same or comparable housing development site, should the modified unit be required for an eligible disabled family. Residents must return the keys to their old unit within five (5) calendar days of the date the transfer offer was made. If the transfer is to another housing development, and the resident does not return the keys to their old unit, the sending development, in addition to billing the resident, will also notify the receiving development of the resident's outstanding balance. Failure to pay outstanding charges within thirty (30) calendar days from the date of invoice to the LACDA is a material breach of the Lease Agreement and the resident will be subject to termination of their tenancy.

V. TIME LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept one (1) max unit offer made within three (3) calendar days of the date the offer is made. At the LACDA's discretion or for ADA accommodations, the LACDA may extend the timeframe to accept or reject a unit offer. Offers made over the telephone will be confirmed in

writing by the LACDA. If the LACDA is unable to contact an applicant by telephone, the LACDA will write to the applicant to inform him/her of the unit offer. For Reasonable Accommodations, additional unit offer(s) may be made to accommodate the applicant's approved ADA request.

W. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the one unit offer or fails to respond within the three (3) calendar days of the date the offer is made, the LACDA will remove the applicants name from all selected waiting list(s).

X. REQUIREMENT TO ATTEND INTERVIEW

The LACDA utilizes the interview session to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure such information is complete. Families are also given information on LACDA services or programs that may be available.

All adult family members may be required to attend an in person or virtual interview. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

It is the applicant's responsibility to reschedule the interview and call the LACDA within five (5) business days if s/he misses the appointment. If the applicant does not reschedule or misses two scheduled meeting(s), the LACDA will cancel the application and will be removed from all other wait list selected by the applicant.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

If the LACDA determines at or after the interview that additional information or document(s) are needed, the LACDA will request the document(s) or information in a legible written format. An applicant may request to submit the required requested document(s) or information in an alternative format. The family will be given ten (10) calendar days to supply the information.

If the information is not supplied in this time period, the LACDA will provide the family a notification of denial for assistance and will be removed from all waiting list selected by the applicant. (See Chapter on Grievances and Appeals.)

Y. APPLICANTS UNABLE TO TAKE OCCUPANCY

If an applicant is willing to accept the unit offered but is unable to take occupancy at the time of the offer for "good cause," the applicant will not be removed from the waiting list. The LACDA will maintain a record of the unit offer, including the reason for refusal of the unit offer due to good cause.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

Applicant needs to provide adequate notice to their current landlord of the termination of their lease;

Unit is not of the proper size and type, and the applicant would be able to reside there only temporarily;

Unit contains lead-based paint, and accepting the offer could result in subjecting the applicant's children under seven (7) years of age to lead-based paint poisoning;

An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing; [24 CFR 945.303(d)];

A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member;

The unit is inappropriate for the applicant's disabilities.

## Chapter 4

### DWELLING UNIT OCCUPANCY STANDARDS

#### INTRODUCTION

This Chapter states the LACDA Occupancy Standards used to determine the appropriate type development and unit size for families, which are based on two persons per bedroom.

#### A. DETERMINATION OF BEDROOM SIZE

Bedroom Size	Number of Household Members:
0 Bedroom	1-2
1 Bedroom	1-2
2 Bedrooms	3-4
3 Bedrooms	5-6
4 Bedrooms	7-8
5 Bedrooms	9-11

**The living room may be used as a bedroom at the request of the family and the approval of the LACDA.** Additionally, a family member who is away at school but lives with the family during school recesses or the military may be included in determining unit size.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

Generally, the LACDA will assign one bedroom to **two (2) people** within the following guidelines:

A minimum of one person per bedroom.

Foster children will be included in determining unit size.

Live-in aides will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

The LACDA may offer a family a unit that is larger than required by LACDA's occupancy standards.

All members of the family residing in the unit must be approved by the LACDA. The family **must** obtain approval of any additional family member **before** the person occupies the unit except for additions by birth, adoption, court-awarded custody and/or of a minor child approved by a social service agency (i.e. DPSS, DCFS, etc.), in which case the family must inform the LACDA within

ten calendar days in a legible written format. An applicant may request to inform the LACDA in an alternative format.

The temporary absence of a child from the home due to placement in foster care may be considered in determining family composition and family size, which will be considered in determining bedroom size.

## B. EXCEPTIONS TO OCCUPANCY STANDARDS

### Person with Disability

The LACDA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified [\* and meets requirements in the "Reasonable Accommodations and Reasonable Modifications" section of Chapter 1].

Accessible units will be offered to non-mobility impaired applicants only with the understanding that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible. Refer to Chapter 3 Section U "Offer of Accessible Units."

### Other Circumstances

Circumstances may dictate a larger size than the occupancy standards permit when:

As a reasonable accommodation.

Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Verification from a doctor must accompany requests for a larger bedroom to accommodate medical equipment.

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

The LACDA will grant exceptions from the guidelines in cases where it is the family's request or the LACDA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply.

Applicants may request to be placed on any of the thirteen waiting lists for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until they have been admitted and have occupied the unit for 18 months.

The family may request to be placed on a larger bedroom size waiting list than indicated by the LACDA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size and must be verified by the LACDA before the family is placed

on the larger bedroom size waiting list.

In all cases, where the family requests an exception to the general occupancy standards, the LACDA will evaluate the relationship and ages of all family members and the overall size of the unit.

C. OCCUPANCY STANDARDS ARE APPLICABLE TO TRANSFERS

When a change in the circumstances of a resident family requires another unit size, if the unit is not available at the time it is requested, the family will be placed on the Transfer List.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If a situation occurs which is not currently covered in this policy, the case should be taken to the property manager who will make the determination after review of the situation, the individual circumstances, and the verification provided.

D. OCCUPANCY BY POLICE OFFICERS

In order to provide an increased sense of security for public housing residents the LACDA will allow a public housing unit to be occupied by a police officer if needed.

Police officers will not be required to be income eligible to qualify for admission to the LACDA's public housing program.

## Chapter 5

### DETERMINATION OF TOTAL TENANT PAYMENT AND

#### FAMILY CHOICE IN RENTS

[24 CFR 5.609, 5.611, 5.613, 5.615]

### PART I: DETERMINATION OF TOTAL TENANT PAYMENT (TTP)

#### INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income ensures that families are not paying more or less money for rent than their obligation under the regulations.

This chapter defines the allowable deductions from gross Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. However, the QHWRA gives Public Housing Programs broader flexibility to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### A. MINIMUM RENT

The minimum rent for the LACDA is \$50. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The Total Tenant Payment is the greater of:

30% of the adjusted monthly income

10% of the monthly gross income

The minimum rent as established by the LACDA

#### LACDA Procedures for Notification to Families of Hardship Exceptions

The LACDA will notify those participant families subject to a minimum rent of their right to request a minimum rent hardship exception under the law.

The LACDA will notify all families at the annual recertification appointment of their right to request a minimum rent hardship exception.

The LACDA notification will advise the family that hardship exception determinations are subject to LACDA grievance procedures.



The LACDA will review all resident requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent exception are required to be in a legible written format. A resident may request as an accommodation to submit the document in an alternative format.

Requests for minimum rent exception must state the family circumstances that qualify the family for an exception.

### Exceptions to Minimum Rent

The LACDA will immediately grant the minimum rent exception to all families who request it. The minimum rent will be suspended until the LACDA determines whether the hardship is:

Covered by statute

Temporary or long-term

If the LACDA determines that the minimum rent is not covered by statute, the LACDA will impose a minimum rent including payment for minimum rent from the time of suspension.

### HUD Criteria for Hardship Exception

In order for a family to qualify for a hardship exception the family's circumstances must fall into one of the following criteria:

The family has lost eligibility (for reasons other than failure to comply with program requirements and/or committing program fraud) or is awaiting an eligibility determination for Federal, State, or local assistance.

The family would be evicted as a result of the imposition of the minimum rent requirement. The income of the family has decreased because of changed circumstances, including:

Loss of employment as defined whereby an individual is out of work due to no fault of their own;

### Death of the Resident or other member of the Resident's household;

Other circumstances as determined by the LACDA or HUD

### Temporary Hardship

If the LACDA determines that the hardship is temporary, a minimum rent will be imposed, including back payment from time of suspension, but the family will not be evicted for nonpayment of rent during the 90-day period commencing on the date of the family's request for exemption.

The LACDA defines temporary as less than 90 days.

## Repayment Agreements for Temporary Hardship

The LACDA will offer a repayment agreement to the family for any such rent not paid during the temporary hardship period.

If the family owes the LACDA money for rent arrears incurred during the minimum rent period, the LACDA will require that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be repaid in equal payments over a period of time not to exceed 12 months under \$2400 or 24 months for any amount in excess of \$2400.

Minimum rent arrears that are less than \$50 will be required to be paid in full the first month following the end of the minimum rent period.

The LACDA's policies regarding repayment agreements are further discussed in the chapter entitled "Family Debts to the LACDA."

### B. INCOME AND ALLOWANCES

The LACDA shall define income and allowances as the following:

"Income": The types of money that are to be used as income for the purposes of calculating the TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented.

"Annual income" is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. "Gross income" is the amount of income prior to any HUD allowable expenses or deductions and does not include income that has been excluded by HUD.

Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

"Adjusted income" is defined as the annual income minus any HUD allowable deductions.

### **INCOME INCLUSIONS (24 CFR 5.609):**

The LACDA considers the following to be included in the family's annual income, as required by HUD:

- The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
- The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in

a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.

- Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
- When the family has net family assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all net family assets, or .81% of the value of such assets based on the current passbook savings rate, as annually determined by the LACDA. The passbook savings rate is based on the Federal Deposit Insurance Corporation (FDIC) national savings rate.
- The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.
- Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.
- All welfare assistance payments received by or on behalf of any family member. (24 CFR 913.106(b)(6) contains rules applicable to "as-paid" States).
- Periodic and determinable allowances, such as alimony and childcare support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
- All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

### **INCOME EXCLUSIONS (24 CFR 5.609)**

The LACDA considers the following to be excluded from the family's annual income, as required by HUD:

- Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821);
- Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such

assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42U.S.C. 10602(c));

- Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));
- Any amounts received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
- Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f (b));
- Payments from any deferred U.S. Department of Veteran Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. 1437a(b)(4));
- Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4101 et seq.) and administered by the Office of Native American Programs;
- A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled Elouis Cobell et al. v. Ken Salazar et al., 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291);
- Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107-110, 42 U.S.C. 604(h)(4));
- Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013-30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements” (25 U.S.C. 117b(a));
- Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93288, as amended) and comparable disaster assistance provided by States, local governments, and disaster organizations (42 U.S.C. 5155(d));
- The low-income subsidy (extra help) received to assist low-income persons in paying for their Medicare Prescription Drug Plan cost.

- The payment amount of Social Security (SS) and Supplemental Security Income (SSI) benefits that are reduced due to prior overpayments.
- Financial assistance received through the Veterans Retraining Assistance Program (VRAP) [24 CFR 5.609 (c)(6)].
- Income from the employment of children (including foster children) under the age of 18 years;
- Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);

<p>Benefits received through the Kin GAP program, a California program designed specifically for foster children who have been placed in the home of a relative are considered foster care and should be excluded.</p>
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- Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and workers' compensation) capital gains, and settlement for personal property losses;
- Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.
- Income of a live-in aide provided the person meets the definition of a live-in aide.
- The full amount of student financial assistance paid directly to the student or the educational institution.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received under HUD funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments and childcare vouchers for the duration of the training.
- Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).
- Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and childcare, to allow participation in a specific program.
- Amount received as a Resident services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the Public

Housing program, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as the resident member of the Public Housing Governing Board. No resident may receive more than one such stipend during the same period of time.

- Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.
- Temporary, non-recurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (Notice PIH 2000-1).
- Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)
- Earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household/co-head and/or spouse/marital-type partner).
- Adoption assistance payments in excess of \$480 per adopted child.
- The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or local law during the exclusion period. For purposes of this paragraph the following definitions apply:

Comparable Federal, State or local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.

Exclusion period means the period during which the resident participates in a program as described in this section plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937. If the resident is terminated from employment without good cause, the exclusion period shall end.

Earnings and benefits mean the incremental earnings and benefits resulting from a

qualifying employment training program or subsequent job.

- Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
- Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
- Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937.(A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.
- The following benefits are excluded by other Federal Statute as of August 3, 1933:

The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

Payments to volunteers under the Domestic Volunteer Service Act of 1973; examples of programs under this Act include but are not limited to:

The Retired Senior Volunteer Program (RSVP)

Foster Grandparent Program (FGP)

Senior Companion Program (SCP)

Older American Committee Service Program

National Volunteer Antipoverty Programs such as:

VISTA

Peace Corps

Service-Learning Program

Special Volunteer Programs

Small Business Administration Programs such as:

National Volunteer Program to Assist Small Businesses

Service Corps of Retired Executives

- Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626(a)].
- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
- Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]
- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b))
- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6).
- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Court of Claims (25 USC. 1407-08), the interests of individual Indians in trust or restricted lands, and the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission.
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.
- Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established in the In-Re Orange Product Liability litigation.
- The value of any under provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and



Development Block Grant Act of 1990. (42 USC 9858q)

- Earned income tax credit (EITC) refund payments received on or after January 1, 1991. (26 USC 32) (j).
- Allowances, earnings and payment to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637 (d)).

### **ALLOWABLE DEDUCTIONS**

HUD has five allowable deductions from Annual Income which are verified per procedures delineated in Chapter 6:

1. Dependent allowance: \$480 each for family members (other than the head of household/co-head and/or spouse/marital-type partner), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
    - A. When more than one family residing in public housing shares custody of a child, only one family can claim the dependent deduction for that child. The family with primary custody or with custody at the time of the initial certification or annual recertification, receives the deduction. If there is a dispute regarding which family should claim the dependent deduction, the LACDA will refer to available documents such as copies of court orders or an IRS tax return verifying which family has claimed the child for income tax purposes.
    - B. Should a family member claiming the \$480 full-time student deduction not report to the LACDA a change in the student's full-time status prior to the annual recertification, the LACDA shall require verification of full-time enrollment status for the prior year to ensure that there was no underpayment of rent.
  2. "Elderly" allowance: \$400 per household for families whose head of household/co-head and/or spouse/marital-type partner is 62 or over or disabled.
  3. For elderly and disabled families, the out-of-pocket medical expense(s) paid by the qualifying household member will be considered an allowable deduction
  4. Non-reimbursable childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult member to work, actively seek employment, attend school, or further their education (including vocational training). This amount cannot exceed the income a family receives from working. It also cannot exceed the market rate for a day care provider in the area.
  5. Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.
- C. MEDICARE PRESCRIPTION DRUG PLAN- PART D PROGRAM (PIH 2005-37)

1. In calculating annual income for a family, the low-income subsidy received to assist low-income persons in paying for their Medicare prescription drug plan costs will be excluded as annual income for the purpose of calculating rent.
2. The LACDA will include as a medical expense for the medical expenses' deduction, the out-of-pocket expenses incurred for prescription drugs and premiums, paid by the qualifying household member.

D. EARNED INCOME DISALLOWANCE (EID)

EID refers to the income that a family member receives that is excluded as part of the household's annual income for rent computation. EID is applicable to an eligible adult resident, 18 years of age or older, who either begins earning income or earns additional income. The disallowance functions as an income exclusion where certain amounts of qualifying adults' verified income are not counted towards rent for a specified period.

The baseline income is the amount of the family member's income just prior to EID being triggered. It is this former income that establishes the baseline amount to be used in determining the amount to be excluded. The baseline for that family member will remain the same throughout the course of the EID.

**EID Qualifying Requirements**

EID is only available for households currently residing in public housing and who select the income-based rent determination option. It is not applicable at admission. Only adults can qualify for EID (because the earnings of family members other than the head or spouse are excluded if the family member is under age 18). The benefit of EID is limited to a single lifetime period for each family member. No exclusion should be given after the lifetime limit has been reached. ***EID is not available to ineligible Non-Citizens.***

The household must meet one of the following three categories listed below to qualify for EID:

1. Employment by a family member who was previously unemployed for one or more years prior to employment.

The HUD definition of "previously unemployed" includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

2. An increase in income by a family member whose earnings increased during participation in an economic self-sufficiency or other job-training program.

An economic self-sufficiency program is any program designed to encourage, assist,

train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Amounts to be excluded are any earned income increases of a family member during the self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment. The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

3. New employment or increased earning by a family member who has received TANF benefits or services within the past 6 months.
  - If TANF is received in the form of monetary maintenance, there is no minimum amount that must be received to be considered a participant in TANF.
  - If TANF is received in the form of one-time payments, wage subsidies and transportation assistance that add up to at least \$500 over a 6 month period.

EID is limited to 24 straight months and retains the single lifetime eligibility requirement for those residents on EID on or after July 1, 2016 (HUD PIH 2016-05). The two 12-calendar month periods run consecutively regardless of breaks in employment. There is no change in the EID eligibility requirements (reference the Qualifying Requirements for EID in Section D).

#### **Initial Twelve-Month Exclusion:**

During the initial 12-calendar month period beginning on the first day of the month following the effective date of the qualifying event, the LACDA will exclude from annual income any increase in income of the family member (*including full-time students*) as a result of employment or increased earnings over the prior income of that family member (i.e. the family member's baseline income).

#### **Second Twelve-Month/Phase-In Exclusion:**

EID is limited to a single lifetime 24-consecutive calendar month period for each adult family member. Upon the expiration of the initial 12-calendar month period referred to above, during the second 12 month/phase in exclusion period, the LACDA will exclude from annual income 50 percent of any increase in earned income of such family member as a result of employment or increased income over the family member's income before the qualifying event (i.e., the family member's baseline income).

If the family member discontinues the employment that initially qualified the family for the EID,

the 24-calendar month period continues. At the end of the 24-month period, the EID ends regardless of how many months of the initial 12-month full exclusion or the second 12 month phase-in exclusion were applied.

During the 24-consecutive calendar month period, EID benefits are recalculated based on changes to family member income and employment.

#### Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be maintained using a tracking system to ensure the correct application of the earned income and to document the reason for the reduced increase in rent.

The LACDA will maintain a tracking system in its software to ensure correct application of the full and phase-in exclusion periods for the earned income disallowance for the qualifying member (*including full-time students*).

#### Family's Responsibility to Report Changes

The monthly rent will remain constant for the period between Regular Reviews, unless during such a period any of the following "Changes in Circumstance" occur:

1. There is a loss of head of household (Resident) due to death, abandonment, separation, divorce or other continuing circumstances. In such event the Lease shall terminate and a new Lease shall be executed by a responsible, residual adult family member deemed legally eligible by the accepted Admissions and Continued Occupancy Policy (a copy of which is on file in Management's office and which is incorporated herein by reference), and Management.
2. There is a loss of any person(s) other than head of household;
3. There is an addition of a member of the household who is 18 years of age or older, by marriage, remarriage, cohabitation or otherwise, and the additional member is added to the Lease in accordance with Management's policy.
4. Resident can show a change in his/her family circumstances (such as decrease in income) or other similar circumstances which will create a hardship to the Resident in relation to the prompt payment of the rent. In the event the monthly rent payment is decreased because of a verifiable hardship to Resident, Resident must promptly report to management any increases in family income which occur.

The Resident must report any "Changes in Circumstances" to the management office within ten (10) calendar days of their occurrence and any failure by the Resident to do so or any misrepresentation of any such changes will be a material breach of the Public Housing Lease Agreement.

### Changes in Family Composition

Residents must report in writing all changes in the household composition to the management office within ten (10) days calendar days of the occurrence. Changes in family composition include, but not limited to: birth, adoption, legal guardianship, if an adult child goes into the military and leaves the household, full-time students who attend school away from the home during school recess, court-awarded custody foster adult, and/or of a minor child approved by a social service agency (i.e. Department of Public Social Services, Department of Children and Family Services, etc.) Requests for the addition of a new member to the household must first be approved by the LACDA, prior to the actual move-in. The income from approved new household members will be included.

### Changes in Income

The LACDA requires the families to report all changes affecting their continued eligibility in writing within ten (10) calendar days from the date of the occurrence. Changes include: New sources of income/ existing income, family composition, expenses related to allowable deductions (i.e., childcare, disability, and full-time student status), out of pocket (*not reimbursed*) medical expenses and/or auxiliary expenses, including citizenship eligible immigration status. The LACDA will verify all family reported information. Effective July 01, 2021, if it is determined that the reported changes result in a tenant rent increase of \$200 a month or more the LACDA will process an interim reexamination. The family will receive a proper written 30-day notice regarding the rent adjustment.

**Seasonal employees:** The LACDA calculates the actual anticipated income from all known sources for the entire year. For these residents there will be no interim reexamination when the income changes as it is already anticipated.

### EID - Inapplicability to Admission

EID is only applied to determine the annual income of families residing in public housing and is not used in determining the annual income of applicants for purposes of eligibility or income targeting for admission.

### E. TRAINING PROGRAMS FUNDED BY HUD

All training income from a HUD sponsored or funded training program, whether incremental or not, is excluded from the resident's annual income while the resident is in training. Income from a Resident Services training program, which is funded by HUD, is excluded.

Upon employment with the LACDA, the full amount of employment income received by the person is counted. There is no 18-month exclusion of income for wages funded under the 1937 Housing Act Programs, which includes Public Housing and Section 8.

F. AVERAGING INCOME

Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

When Annual Income cannot be anticipated for a full twelve months, the LACDA will average known sources of income that vary to compute an annual income.

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year, may be used.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

G. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the LACDA will calculate the TTP by excluding the income of the person permanently confined to the nursing home and not giving the family deductions for medical expenses of the confined family member. In addition, the member will be permanently removed from the public housing lease and 50058-Family Report. New lease will be required for the remaining household members.

H. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609(a)(7)]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the TTP.

Any contribution or gift received on a regular basis regardless of frequency will be considered a “regular” contribution or gift. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. This information must be reported by the family and will be averaged over a twelve-month period and included in the calculation of the TTP. It does not include casual contributions or sporadic gifts. (See chapter on “Verification Procedures,” for further definition.)

I. ALIMONY AND CHILD SUPPORT [24 CFR 5.609(a)(7)]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the LACDA **must** use the amount awarded by the court unless the family can verify that they are not receiving the full amount.

J. LUMP-SUM RECEIPTS [24 CFR 5.609(b)(5), (c)]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker’s compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive resident rent that the family owes as a result of the lump sum receipt the LACDA will always calculate retroactively to date of receipt.

Retroactive Calculation Methodology

The LACDA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The LACDA will determine the amount of income for each certification period, including the lump sum, and recalculate the resident rent for each certification period to determine the amount due the LACDA.

At the LACDA’s option, the LACDA may enter into a Repayment Agreement with the family.

The LACDA will only enter into a Repayment Agreement with the family if they are in good standing (no unpaid rent or other charges, no disturbance complaints). Repayment Agreement policies are delineated in Chapter 15 “Family Debts to the LACDA.”

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family’s attorney fees may be deducted from lump-sum payments when computing annual income if the attorney’s efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

K. CONTRIBUTIONS TO RETIREMENT FUNDS—ASSETS

Contributions to company retirement/pension funds are handled as follows:

While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count any amount the employee elects to

receive as a lump sum.

L. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The LACDA will not include the value of assets disposed of for less than fair market value during the two years preceding certification or recertification, **unless** the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

Assets disposed of as a result of foreclosure or bankruptcy is not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation is not considered to be assets disposed of for less than fair market value.

M. CHILD CARE EXPENSES [24 CFR 5.603 (b)] and [24 CFR 5.611 (a)(4)]

Un-reimbursable child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, actively seek employment, attend school full time, or attend full-time vocational training (further his/her education). In the case of a child attending private school, only before or after-hours care can be counted as child-care expenses.

Child-care expenses must be reasonable. Reasonable is determined by what the average childcare rates are in the LACDA's jurisdiction.

Allowable deductions for child-care expenses are based on the following guidelines:

Childcare to work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Childcare for school: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one-hour travel time to and from school).

Amount of Expense: On an annual basis, each site management office will survey the local care providers in the surrounding community to determine what is reasonable. The site management office will use the collected data as a guideline and will post the survey in a conspicuous area in the management office. If the hourly rate materially exceeds the guideline, the LACDA may calculate the allowance using the guideline.

N. MEDICAL EXPENSES [24 CFR 5.603]

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Over-the-counter medication **must be doctor-prescribed** in order to be considered a medical expense and will be counted toward medical expenses for families who qualify if the family



furnishes legible receipts paid by the qualifying household with identification of the type of purchase. Bank statement will not be accepted in lieu of legible receipts.

Acupressure, acupuncture, physical therapy including exercise and chiropractic services may be considered allowable medical expenses if these services are recommended as a specific treatment by the qualifying family's primary physician.

The cost of transportation to and from medical appointments and treatments will be an allowable medical expense and will be calculated at the current IRS rate.

O. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be applied to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See chapter titled "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Flat Rent for the unit the family occupies to determine the Family Maximum Subsidy. The family's TTP will be calculated as delineated in PIH 2016-05:

Step 1: Determine the TTP in accordance with 24 CFR 5.628 (Annual income includes income of all family members, including any family member who has not established eligible immigration status).

Step 2: Family maximum rent is equal to the applicable flat rent for the unit size to be occupied by the family.

Step 3: Subtract the TTP from the family flat rent. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").

Step 4: Divide the family maximum subsidy by the number of people in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy".

Step 5: Multiply the member maximum subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members"). The product

of this calculation is the “eligible subsidy”.

Step 6: The mixed family TTP is the flat rent minus the amount of the eligible subsidy.

Step 7: Subtract any applicable utility allowance from the mixed family TTP. The result of this calculation is the mixed family tenant rent.

When the mixed family’s TTP is greater than the flat rent, the LACDA must use the TTP as the mixed family TTP.

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The LACDA will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

Fraud; or

Failure to participate in an economic self-sufficiency program; or

Noncompliance with a work activities requirement.

However, the LACDA will reduce the rent if the welfare assistance reduction is a result of:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

The family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Verification Before Denying a Request to Reduce Rent

A family’s request for rent reduction shall be denied upon the LACDA obtaining written verification from the welfare agency stating that the family’s benefits have been reduced for fraud or noncompliance.

Cooperation Agreements

The LACDA has taken a proactive approach to culminating an effective working relationship between the LACDA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

Q. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS

If the cost of utilities (excluding telephone) is not included in the Resident Rent, a utility allowance will be deducted from the total tenant payment. The Utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption utilities in an energy conservative household, *not* on a family's actual consumption.

When the Utility Allowance exceeds the family's TTP, the LACDA will provide the family with a Utility Reimbursement Payment (URP) each month. The LACDA will provide a Bank of America Debit Card to those residents that qualify for an URP. The Bank of America Debit Card will be credited with the monthly URP and unused funds will accumulate. Debit card usage will be limited to the family's account balance. Any misrepresentation of income and/or household composition by any member of the household will require the family to repay any amount due the LACDA and may result in the termination of tenancy.

Resident-Paid Utilities

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

New residents are required to change the utility services under the head-of-household by the LACDA's designated due date.

Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

Resident Responsibility for Appliances

Residents who are responsible for providing one or more appliance(s) are also responsible for the maintenance and upkeep of such appliance(s). Failure to maintain such appliance(s), as specified in the Lease Agreement, is grounds for termination of tenancy.

If the LACDA provides the tenant the range and/or refrigerator, and the tenant chooses to install his/her own appliance(s) after the initial term of lease, the utility allowance credit will not be provided for the appliance(s).

R. EXCESS UTILITY PAYMENTS

Residents in units where the LACDA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. [24CFR 966.4(b)(2)]

## PART II: FAMILY CHOICE IN RENTS

### A. FAMILY RENT CHOICE

The LACDA shall provide written information to enable each family residing in a public housing unit to elect annually whether the rent paid by such family shall be 1) determined based on family income; or 2) the flat rent. The LACDA information will state the current flat rent amount and an estimate amount for the income-based rent according to the family's current information. The LACDA may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by the LACDA.

Choice of rent is <b>not</b> applicable to Mixed Families. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.
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### B. FLAT RENTS

The LACDA has established, for each dwelling unit in public housing, a flat rental amount for the dwelling unit, which:

Is based on the HUD established Small Area Fair Market Rents (SAFMR); and

Any change in the Flat Rent schedule due to changes initiated by HUD to the SAFMR will not be considered a "significant change" to the Annual/Agency Plan; and

Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The LACDA shall review the income of families paying flat rent not less than once every three years.

### C. INCOME-BASED RENTS

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the LACDA, which does not exceed the greatest of the following amounts:

30 percent of the family's monthly adjusted income;

10 percent of the family's monthly gross income; or

The LACDA's Minimum TTP of \$50.

D. SWITCHING RENT DETERMINATION METHODS BECAUSE OF HARDSHIP CIRCUMSTANCES

In the case of a family that has elected to pay the LACDA's flat rent, the LACDA shall, no later than the first of the month following the month the family reported the hardship, provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made for the following hardship circumstances:

Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment through no fault of the individual, death in the family, and reduction in or loss of income or other assistance;

An increase, because of changed circumstances, in the family's expenses for medical costs, childcare, transportation, education, or similar items; and

Such other situations as may be determined by the LACDA.

The LACDA will verify all hardship situations. If a family has switched from flat rent to income-based rent because of hardship, the family shall remain on income-based rent until the next scheduled annual recertification, at which time the LACDA shall allow the family to elect whether to pay flat rent or income-based rent.

E. LACDA'S FLAT RENT METHODOLOGY

The LACDA has set a flat rent for each public housing unit, based on the HUD established annual SAFMR. The following methodology will be utilized to determine and implement flat rents:

1. In accordance with Congressional and HUD requirements, the LACDA will set the Flat Rent for each public housing unit at no less than 80 percent of the applicable Small Area Fair Market Rent (SAFMR) as set by HUD for the Housing Choice Voucher program and adjusted to account for reasonable utilities costs. The Flat Rent will be the SAFMR less the UA as set for each dwelling unit.
2. Changes to the Flat Rent schedule due to changes initiated by HUD to the SAFMR will not be considered a "significant change" to the Annual/Agency Plan.
3. The new Flat Rent will be phased in if needed to ensure that any family currently paying Flat Rent will not experience a rental increase of more than 35% due to the change in the Flat Rent schedule.
4. The LACDA presents two options to the family:
  - A. The updated flat rental amount; and
  - B. The income-based rent.

For those families that choose to pay the Flat Rent, the amount the family pays **are not locked in for the three year period**. Instead, the LACDA revises the flat rent amount **annually** based on HUD's SAFMR's. Families currently paying the flat rent amount will be offered the choice between the updated annual flat rent amount, and the previously calculated income-based rent. For families that elect to pay flat rent, the LACDA will conduct a reexamination of family income at least once every 3 years, not annually.

F. ANNUAL RECERTIFICATION

During the annual recertification process, the family will be provided a form from the LACDA, on which the family will indicate whether they choose flat rent or income-based rent, sign and date and must return the form to the LACDA. The LACDA form will state what the flat rent would be, and an estimate, based on current information, what the family's income-based rent would be. This form will be retained in the resident's file.

## Chapter 6

### VERIFICATION PROCEDURES

[24 CFR Part 5, Subpart B; 24 CFR 960.259]

#### INTRODUCTION

This chapter explains the LACDA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in household composition. The LACDA's verification procedures are designed to meet HUD's requirements that the factors of eligibility and Total Tenant Payment be verified and that the LACDA maintain program integrity. Applicants and program residents must furnish proof of their statements whenever required by the LACDA, and the information they provide must be true and complete. The LACDA will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

#### A. METHODS OF INCOME VERIFICATION AND TIME ALLOWED

The LACDA will use six levels of verification methods acceptable to HUD in the following order:

**Level Six: Up-Front Income Verification (UIV) using Enterprise Income Verification (EIV) (highest priority).** This level is mandatory and will be used when available. If the tenant provided information cannot be verified, the LACDA staff must document why such verification were not obtained and proceed with Level Five.

**Level Five: UIV using a non-HUD system (highest priority).** In cases where EIV is not available, this level will be used when possible. If the tenant provided information cannot be verified, the LACDA staff must document why such verification were not obtained and proceed with Level Four.

**Level Four: Third-Party written verification (high priority).** This verification level is defined as tenant-provided documents obtained from a third-party source. The documents must be authentic, original and computer-generated. Level Four is used:

\* To support the information reported through EIV/UIV,

\* When there is a discrepancy between EIV/UIV and tenant-reported income,

\* When EIV or other forms of UIV are not available, the LACDA will accept authentic, original, computer-generated documents as verification of income, assets or other family circumstances.

If the tenant is unable to provide documents requested by the LACDA or the tenant provided documents are unacceptable (i.e., altered, mutilated, or is not legible), staff must proceed to Level Three and thoroughly document details of the action(s)

taken in this level.

**Level Three: Third-party written verification form (medium-low priority).** The LACDA will send verification forms directly to third party sources when:

\* There is a discrepancy between EIV/UIV, and tenant-reported income and the tenant disputes the information in EIV,

\* If the tenant provided documents are unacceptable by the LACDA (i.e., altered, mutilated, or is not legible), or

\* Verification levels six through three are unavailable.

LACDA staff must document the date the verification forms were sent (i.e., mailed/fax) directly to the third party and date received by the LACDA. The third-party verification form must include a copy of the valid and signed form HUD-9886, Authorization for Release of Information.

**Level Two: Third-Party oral verification (low priority).** This level will be used when sending verification forms to third-party sources under Level Three is not possible or the forms are not returned in a timely manner.

LACDA staff must document in the tenant file, the date and time of the telephone call, the name of the person contact and telephone number, and information confirmed.

**Level One: Self-Declaration (low priority).** Certification/self-declaration verification will be the last level used if verification is not possible or able to be obtained using the higher levels of verification, the LACDA may allow up to ten (10) calendar days for the return of third-party verification forms before using the next verification level.

At all times, should the LACDA not obtain Levels 6, 5, 4, 3 or 2 of the verification hierarchy, the LACDA staff must document why such verifications at each level were not obtained and the verification method utilized to substantiate the information.

All tenant-provided documents are current if dated within 60 days of the date of receipt. However, verifications for applicants may not be more than 60 days old at the time of the unit offer.

## UIV

The LACDA will utilize up-front income verification tools. The use of the EIV system is mandatory and will be used whenever possible. Other UIV systems, such as the DPSS LEADER system for the verification of DPSS benefits and the Work Number, will be used whenever possible when EIV is unavailable.

If there is a difference in source of income or a substantial difference in reported income between EIV verification and family-provided documents and the tenant disputes the discrepancy or cannot



provide adequate documentation to validate the discrepancy, the LACDA shall follow the guidelines below:

- The LACDA will send written third-party verification forms directly to the disputed income source.
- The LACDA may review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the LACDA cannot readily anticipate income, such as in the cases of seasonal employment, unstable working hours, and suspected fraud.
- The LACDA will analyze all data (UIV data, third party verification documents provided by the family and verification forms returned by the disputed income source) and attempt to resolve the income discrepancy.
- The LACDA will use the most current information available to calculate the anticipated annual income.

In cases where UIV income data is different than tenant-reported income and the tenant does not dispute the discrepancy and can provide adequate documentation to validate the discrepancy, the LACDA will use the written third party documents provided by the family to calculate the anticipated annual income.

B. RELEASE OF INFORMATION

Applicants and residents are required to sign specific authorization forms when information is needed that is not covered by the HUD Form 9886, Authorization for Release of Information.

Each family member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature. Family refusal to cooperate with the HUD prescribed verification procedure will result in denial of admission or termination of tenancy in accordance with the family's obligation to provide information requested by the LACDA.

C. ITEMS TO BE VERIFIED

1. All income not specifically excluded by the regulations needs to be verified.
2. Zero-income status of households (includes applicants and residents); households will be required to complete a family expense form at each certification or recertification interview.
3. Full-time student status including high school students who are 18 or over.
4. Current assets including assets disposed of for less than fair market value in preceding two years.

5. Child-care expense where it allows an adult family member to be employed, seek employment or to further his/her education.
6. Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
7. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.
8. Legal identity.
9. U.S. citizenship/eligible immigrant status.
10. Social Security Numbers for all family members.
11. Preference status based upon LACDA preferences.
12. Family/marital status when needed for head of household/co-head and/or spouse/marital-type partner definition.
13. Disability for determination of preferences, allowances or deductions.
14. Enrollment in a Medicare prescription drug plan.
15. The amount of prescription drug benefits received.
16. Actual or threatened incidents of domestic violence, dating violence, sexual assault or stalking.

Per PIH 2013-04, income that is fully excluded means the entire amount qualifies to be excluded from the annual income determination. **For fully excluded income, the LACDA will not:**

- Verify the income in accordance with the HUD-prescribed verification hierarchy;
- Document in the tenant file why third-party verification was not available as required by 24 CFR 960.259(c)(i) and 24 CFR 982.516(a)(2); and
- Report the income in Section 7 of form HUD-50058.

NOTE: Cal Fresh benefits are an excluded income, the benefits will be verified for purposes of verifying if a household member meets the HUD exemption criteria for the mandated Community Service Requirement (CSSR).

The LACDA will accept an applicant or resident's self-certification as verification of fully excluded income. The LACDA's application and reexamination documentation, which is signed by all adult family members, will serve as the self-certification of the fully excluded income. The

LACDA will elevate the verification requirements if necessary, to determine if a source of income qualifies for a full exclusion.

D. VERIFICATION OF INCOME

This section defines the methods the LACDA will use to verify various types of income.

Employment Income

Acceptable methods of verification include, but are not limited to the following:

1. EIV system, or if EIV is unavailable, other UIV tools, such as the Work Number.
2. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings. This may be requested, along with W-2 forms, to supplement EIV data or a primary verification in the event EIV or other UIV tools are unavailable. Residents are required to provide the LACDA with a minimum of **two (2)** current and consecutive pay stubs for determining annual income from wages. For new income sources or when a minimum of **two (2)** pay stubs are not available, the LACDA will project income based on the information from traditional written third-party verification form or other acceptable verification method.
3. Employment verification form completed by the employer.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

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

Year-to-date earnings

Estimated income from overtime, tips, bonus pay expected during next 12 months

Applicants and program residents 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 LACDA will require the most recent federal income tax statements.

#### Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, but are not limited to the following:

1. EIV system
2. Computer report electronically obtained or in hard copy.
3. Award or benefit notification letters prepared by the providing agency.

#### Unemployment Compensation

Acceptable methods of verification include, but are not limited to the following:

1. EIV system.
2. Verification form completed by the unemployment compensation agency.
3. Payment stubs.
4. The Employment Development Department (EDD) no longer responds to requests for verification of unemployment and State Disability Insurance benefits.

#### Welfare Payments or General Assistance

Acceptable methods of verification include, but are not limited to:

1. Department of Public Social Services (DPSS) LEADER computerized database of DPSS clients;
2. Computer-generated DPSS Notice of Action;
3. 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; or
4. LACDA verification form completed by payment provider.

#### Alimony or Child Support Payments

Acceptable methods of verification include, but are not limited to the following:

1. Computerized official printout of payments made, if through a State agency.
2. Copy of a separation or settlement agreement or a divorce decree stating amount and type

of support and payment schedules.

3. An affidavit from the persons paying the support.
4. LACDA verification form completed by payment provider.
5. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
6. If payments are irregular, the family must provide appropriate court or welfare agency documents supporting the family's claim that the amount they are actually receiving is less child support/alimony than was ordered.

The County of Los Angeles Child Support Services Department no longer responds to written or oral third-party verification requests by the LACDA.

#### Net Income from a Business

In order to verify the net income from a business, the LACDA 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, but are not limited to the following:

1. 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.

2. Audited or unaudited financial statement(s) of the business.
3. Documents such as cashbooks, 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.

### Child Care Business

If an applicant/resident is operating a licensed day care business, income will be verified as with any other business.

If the applicant/resident is operating a “cash and carry” operation (licensed or not), the LACDA will require the applicant/resident to complete a form for each customer giving: name of person(s) whose child(ren) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it to the site management office.

### Recurring Gifts

The family must furnish an Affidavit under penalty of perjury, which contains the following information:

The person who provides the gifts

The value of the gifts

The estimated frequency of the gifts

### Zero-Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

Families must also provide a written statement as to how they meet living expenses, such as utilities, food, clothing, and other incidentals, when they claim a zero income.

### Full-Time Student Status

Only the first \$480 of the earned income of full-time students 18 years of age or older (including those who are temporarily absent), other than head of household/co-head and/or spouse/marital-type partner, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is 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 education institution.
- A copy of student's transcript or grade report.

E. INCOME FROM ASSETS

Acceptable methods of verification include, but are not limited to the following:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or LACDA verification forms completed by the financial institution. 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.
2. IRS Form 1099 from the financial institution, provided that the LACDA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

Acceptable documents for verification include, but are not limited to the following:

1. 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.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

Acceptable documents for verification include, but are not limited to the following:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. 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.

## F. VERIFICATION OF ASSETS

### Family Assets

The LACDA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

Verification forms, letters, or documents from a financial institution or broker.

Passbooks, the most recent investment report/statement for the checking and savings certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

Quotes from a stockbroker 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.

Estimate of personal property held as an investment.

Verification forms from a financial institution or broker.

Although the LACDA will accept the family's estimated value of personal property held as an investment, the LACDA may require the additional information necessary to determine the current cash value (the net amount the family would receive if the asset were converted to cash), and/or obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal. The LACDA may incur the cost of the appraisal on behalf of the household or assign an appraiser at the LACDA's expense and at a reasonable cost.

When additional information is requested by the LACDA, the household must provide the LACDA with acceptable, written third-party verification documents to verify the value of or income from an asset. A written third-party verification document is considered current if at the time of **receipt** of the document is:

- A monthly statement not more than 60 days old, or
- The most recent quarterly statement, or
- A savings passbook that has been updated by the financial institution within the last 60 days, or



- The most recent annual statement, or
- The most recent document or statement issued to the family, including but not limited to a closing escrow statement or closing bank statement.

Assets Disposed of for Less than Fair Market Value (FMV)

1. For all certifications and re-certifications, the family will certify 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 recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, verification [or certification] 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.

G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Acceptable documents for verification include, but are not limited to the following:

- Verification documents the family obtained from the childcare provider that 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 typical yearly amount paid, including school and vacation periods.
- Written verification form returned by the person or the agency who receives the payments. If the childcare provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
- Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.
- In all instances, the LACDA may also request income tax records, money orders to the childcare provider and/or cancelled checks.

## Medical and Disabled Assistance Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expenses claimed must be paid by the household. The LACDA has the right to request verifiable proof that all receipts and expenses claimed have been paid for utilizing funds directly from the household. Additionally, all expense claims will be verified by one or more of the methods listed below:

1. 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 expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
  - \* A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
  - \* Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments **made** on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. LACDA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.
8. The LACDA will use mileage at the IRS's rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical

treatment.

1. Assistance to Persons with Disabilities:  
In all cases the LACDA may require:

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.

2. Attendant Care:

If the family pays for any portion of the attendant care expenses, the 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.

3. 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.

NOTE: Disability expenses are allowable deductions only if the expenses enable a member of the household age 18 and over (including the disabled member) to go to work.

#### H. VERIFYING NON-FINANCIAL FACTORS

##### Verification of Legal Identity

In order to prevent program abuse, the LACDA will require applicants to furnish verification of legal identity for all family members.

The documents listed below 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 Documents

Current, valid Driver's License

Department of Motor Vehicles Identification Card

U.S. Military Discharge Documents (i.e., DD 214)

U.S. Passport

Foreign Consulate Identification Cards (FCICs) approved by the Los Angeles County Board of Supervisors for the purpose of verifying identity.

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

Certificate of birth

Adoption papers

Custody agreement

#### Verification of Marital Status

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 records.

Verification of marriage status is a marriage certificate.

#### 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.

The following verifications will be required if certification is insufficient:

Verification of relationship:

Official identification showing names

Birth certificates

Verification of guardianship:

Court-ordered assignment

Affidavit of parent

Verification from social services agency

School records

Evidence of an established family relationship:

Joint bank accounts or other shared financial transactions

Leases or other evidence of prior cohabitation

Credit reports showing relationship

#### Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LACDA will consider any of the following as verification:

Husband or wife institutes divorce action

Husband or wife institutes legal separation.

Order of protection/restraining order obtained by one family member against another.

Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.

Statements from other agencies such as social services that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

If the adult family member is permanently confined to a nursing home, verification is required from the nursing home.

#### Verification of Change in Family Composition

The LACDA may verify changes in family composition (either reported or unreported) through letters, telephone calls, leases, utility records, inspections, landlords, neighbors, credit data, school or Department of Motor Vehicle (DMV) records, and other sources. Verification of legal custody must be a court-ordered assignment or verification from a social service agency.

## 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, rehabilitation specialist, licensed social worker, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability, using the HUD language as the verification format.

## Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be United States (U.S.) citizens or non-citizens with eligible immigrant status. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by United States Citizenship Immigration Services (USCIS). Each family member must declare his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the LACDA hearing is pending.

Citizens or Nationals of the U.S. are required to sign a declaration under penalty of perjury. In addition, the family will be required to provide documentation to verify eligible status, such as: U.S. Birth Certificate, U.S. Passport, Certification of Naturalization, or required documentation to verify declared status.

Eligible Immigrants who were residents and 62 or over on June 19, 1995, required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status **must** sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The LACDA verifies the status through the USCIS Systematic Alien Verification for Entitlements (SAVE) system. If this primary verification fails to verify status, the LACDA **must** request within ten (10) days that the USCIS conduct a manual search.

Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household/co-head and/or spouse/marital-type partner.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa, but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

VAWA Self-Petitioners (PIH 2017-02) are those who claim to be victims of “battery and extreme cruelty”. VAWA covers the following types of battery or extreme cruelty:

domestic violence, dating violence, sexual assault, and stalking. A VAWA self-petitioner can indicate that they are in “satisfactory immigration” status when applying for Public Housing or continued assistance. “Satisfactory immigration status” means an immigration status which does not make the individual ineligible for financial assistance. Once the LACDA verifies the applicant’s immigration status in the Department of Homeland Security (DHS) SAVE System, the LACDA will make the final determination as to the self-petitioner’s eligibility for assistance.

Not every noncitizen victim who has been subjected to battery or extreme cruelty will qualify under these procedures. In order to qualify, the noncitizen victim must have been battered or subject to extreme cruelty by their spouse or parent, who is a U.S. citizen or Lawful Permanent Resident (LPR). The LACDA may receive a petition at any time but submissions will most likely be related to a request for VAWA protections pursuant to 24 CFR 5 Subpart L (e.g. with a request for an emergency transfer or family breakup resulting from domestic violence, dating violence, sexual assault, or stalking; PITT 2016-09).

Once the LACDA receives a self-petition (INS Form I-360 or I-130) or INS Form 797, the LACDA is prohibited from requesting any additional information from the VAWA self-petitioner, other than what is required below to complete the verification.

### **VAWA Self-Petitioner Verification Procedure**

When the LACDA receives a self-petition or INS Form 797 “Notice of Action”, the LACDA will initiate verification in the SAVE System as delineated in PITT 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions in accordance with the ACOP.

VAWA self-petitioners must be verified through the USCIS SAVE system. When the LACDA receives a self-petition or INS Form 797 “Notice of Action”, the LACDA will initiate verification in the SAVE System as delineated in PITT 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions in accordance with the ACOP.

Failure to Provide. If an applicant or resident family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member and the tenant’s rent portion will be prorated. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs prior to the new member moving in. Once verification has been completed for any covered program, it need not be repeated. **The LACDA will also request new immigration documents for those individuals whose immigration documents that prove eligibility has expired.**

Extensions of Time to Provide Documents. The LACDA will grant an extension of 30 days for families to submit evidence of eligible immigrant status or a receipt issued by the USCIS for issuance of replacement documents.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

Resident Alien Card (I-551)

Alien Registration Receipt Card (I-151)

Foreign Passport with I-551 stamp

Arrival-Departure Record (I-94) with no annotation accompanied by:

- A final court decision granting asylum (if no appeal is taken);
- A letter from an INS or USCIS asylum officer granting asylum (if application is filed on or after 10/1990) or from an INS director granting asylum (application filed before 10/1990);
- A court decision granting withholding of deportation; or
- A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90)

Arrival-Departure Record (I-94) stamped with one of the following:

- “Admitted as a Refugee Pursuant to Section 207”
- “Section 208” or “Asylum”
- “Section 243(h)” or “Deportation stayed by Attorney General”
- “Paroled Pursuant to Section 221(d)(5) of the INS (or USCIS)” Temporary Resident Card (I-688) annotated “Section 245A” or Section “210”

Employment Authorization Card (I-688B) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”



Any official revision of the acceptable documents listed above  
Receipt issued by the USCIS for issuance of replacement of any of the above documents  
that shows individual's entitlement has been verified.

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

Determination of Ineligibility. After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

### Verification of Social Security Numbers

Social Security numbers must be provided as a condition of eligibility for all family members, except for family members who were determined eligible on or before January 31, 2010 and were at least 62 years old on that date, and family members who are not eligible to obtain a Social Security number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- \* A document issued by the Social Security Administration that contains the name and Social Security number of the individual; or

- \* A document issued by a Federal, state or local government agency that includes the name, Social Security Number and other identifying information about the individual.

All new family members, except children age 5 and under, who have not been assigned a number, will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the LACDA and the family member will not be added to the household composition until it is provided.

A child age 5 or under who has not been assigned a Social Security Number may be added to the household before providing a Social Security number. However, the parent or guardian will be required to sign a form attesting that the child was never issued a Social Security Number. The family **must disclose** the child's Social Security Number **within 90 calendar days of being added to the family composition.**

If the family is unable to disclose and provide evidence of the Social Security Number within the 90 calendar days, the LACDA may grant the family an additional 90-calendar day period to comply

with the Social Security Number disclosure and documentation requirement. The additional 90-calendar day period may be granted if the LACDA determines that the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside of the control of the family. Examples include but are not limited to: delayed processing of the Social Security Number application by the Social Security Administration, natural disaster, fire, death in family etc. If the family fails to provide the required documentation within the established timeframe, the family's assistance will be terminated.

If the family member states they cannot legally obtain a Social Security number, the family member will be required to sign a certification to this effect.

## I. VERIFICATION OF SUITABILITY FOR ADMISSION

Sources to be used to determine suitability include but are not limited to:

Criminal History Reports

Prior landlord references

Physicians, social workers, and other health professionals

LACDA and Other Housing Authority's (to whom the family may owe debt)

(See Chapter 2 on eligibility.)

### Ability to Meet Financial Obligations Under the Lease

All applicants may be subject to the following procedures to ensure their ability to meet financial obligations under the lease:

All applicants may be interviewed and asked questions about the basic elements of tenancy.

The LACDA may access a Credit Report on all applicants prior to selection.

The LACDA may independently verify the rent-paying history of all applicants directly from previous landlord(s).

### Drug-Related or Violent Criminal Activity

The LACDA will complete a criminal background check of all adult members of the household.

### Housekeeping

The LACDA will obtain references from prior landlords to determine acceptable housekeeping standards.

The LACDA may conduct a home visit prior to admission.

J. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 5.410, 5.415, 5.430]

Local Preferences

1. Homeless families: To qualify for this preference, homeless families must be referred by a Joint Powers Authority (JPA), County agencies or Community Based Organizations (CBOs) with a contract or Memorandum of Understanding (MOU) in place with the LACDA. Additionally, the LACDA will require partner agencies to use a Coordinated Access System for homeless referrals. The referring agency must provide a certification of the family's homeless status.
2. Residency preference: For families who live, work or have been hired to work in the jurisdiction of the LACDA.

In order to verify that an applicant is a resident in the jurisdiction of the LACDA, the LACDA will require any of the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, voters registration records, credit reports, statement from household with whom the family is residing. At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed to verify that a family lives or works in the jurisdiction.

3. Veteran's preference: This preference is available to current members of the U.S. Armed Forces, veterans, or surviving spouses/marital-type partners of veterans. Acceptable documentation regarding veteran's status will include a DD-214 (discharge documents), proof of receipt of veteran's benefits, or documentation from the Veteran's Administration.

K. VERIFICATION OF VAWA STATUS

The LACDA will request in writing that an individual or someone on their behalf certify via HUD form-5382,"Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation", that the individual is a victim of domestic violence, dating violence, sexual assault or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in Public Law 113-4-March 7, 2013. The victim is only required to provide the name of the perpetrator if the victim knows the name of the perpetrator and it is safe to provide it. The LACDA will request the certification in writing.

All residents are provided with a "Notice of Occupancy Rights under the Violence Against Women Act" HUD form-5380 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation" HUD form-5382 published in December 2016 at Lease-In. If the individual needs another copy, the LACDA will require that the resident come into the management office to pick up HUD form-5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation". In those cases where the victim of domestic violence, dating violence, sexual assault or stalking is unable to pick up the

form due to imminent danger by the perpetrator, the LACDA will arrange to safely provide the form to the victim.

The individual or someone on their behalf shall provide such certification within 14 business days (Saturdays, Sundays, and Federal holidays do not count) after the individual receives HUD form-5382, "Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation". If the individual or someone on their behalf does not provide the certification within 14 business days of receiving the form, nothing in this subsection, or in Public Law 113-4-March 7, 2013, may be construed to limit the authority of the LACDA to evict any tenant that commits violations of the Public Housing Lease Agreement. At the discretion of the LACDA, the 14 business days deadline may be extended.

**An individual may also satisfy the certification requirement by producing the following types of third-party documentation:**

1. A document signed by the resident and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the resident is seeking or has sought assistance relating to the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence", "sexual assault", or "stalking" in HUD's regulations at 24 CFR 5.2003.
2. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.

The LACDA **will not demand that an individual produce official documentation or physical proof** of the individual's status as a victim of domestic violence, dating violence, sexual assault or stalking in order to receive any of the benefits provided in this section. At the discretion of the LACDA, an individual may be provided benefits based solely on the individual's statement or other corroborating evidence.

In the case where the LACDA receives conflicting certification documents from two or more members of the household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the LACDA will determine which is the true victim by requiring third-party documentation within 30 calendar days in order to resolve the conflict. Additionally, the LACDA will honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and to address the distribution or possession of property among the household. If the resident(s) fail or refuse to provide third-party documentation where there is conflicting evidence, the LACDA does not have to provide the resident(s) with the protections contained in HUD form-5380 "Notice of Occupancy Rights under the Violence Against Women Act."

## Chapter 7

### TRANSFER POLICY

#### INTRODUCTION

It is the policy of the LACDA to permit a resident to transfer within or between housing developments under certain circumstances set forth below. The LACDA Executive Director shall retain discretionary authority to approve/disapprove all transfers.

The LACDA will always consider transfer requests as a reasonable accommodation for a person with a disability.

All transfers will be made without regard to race, color, religion, sex, gender, gender identity and expression, family status (including children under the age of 18 living with parents or legal custodians; pregnant women and people securing custody of children under 18), national origin, marital status, ancestry, age, sexual orientation, disability, medical condition, source of income, genetic information, military and veteran status, arbitrary characteristics, or any other basis prohibited by law. Residents can be transferred to accommodate a disability.

Except under certain limited circumstances, residents will receive one unit offer for a transfer, whether for LACDA-initiated transfers or resident-initiated transfer requests approved by the LACDA. Refusal of an Emergency/Mandatory transfer initiated by the LACDA without good cause may result in lease termination. Refusal of an offer in response to a Resident initiated transfer request without good cause will result in the removal of the household from the transfer list.

#### A. LACDA INITIATED TRANSFERS

Under certain circumstances the LACDA may require that a household transfer to another unit at the same public housing development or to another public housing development. **The LACDA initiated transfers below shall take priority over new admissions.** The LACDA prioritizes transfers in the order delineated below:

##### 1. Emergency Transfers:

Emergency transfers (which includes VAWA) are mandatory when the LACDA determines that conditions **pose an immediate threat to resident life, health or safety**. Emergency transfers may be made to permit repair of unit defects hazardous to life, health, or safety. If a unit become uninhabitable due to conditions caused by the resident, any member of the resident household, or the resident's guests, it will be addressed through the lease violation process and the resident shall not have the rights set forth above, or if the cause for the conditions is determined after the transfer, the LACDA may still terminate tenancy; alleviate verified disability problems of a life threatening nature; or to protect residents due to a reasonable fear of direct violence. Such transfers may be initiated after the LACDA receives input from local law

enforcement. In considering whether to initiate such transfers, the LACDA will take account the circumstances creating the risk of violence and make a determination in the best interest of the resident and the LACDA.

**2. Administrative Transfers:**

Administrative transfers include (a) a transfer to remove residents who are victims of a violent or hate crimes or are witnesses to violent or hate crimes and may face reprisals due to their cooperation with law enforcement and or residents who are victims of extreme harassment; (b) a transfer to alleviate a verified medical problem of a serious (but not life-threatening) nature; (c) a **mandatory** transfer to permit modernization or demolition of units and/or to perform work (e.g., repair, modernization, or lead hazard reduction work) above a specified scale and duration that disturbs lead-based paint or controls lead-based paint hazards; (d) a **mandatory** transfer to permit a family that requires a unit with accessible features to occupy such a unit.

Requests for these transfers will be made to the LACDA Administrative Office with the necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by the LACDA (e.g., moving a person with mobility problems to a unit with accessible features or temporarily moving residents to a unit free of lead-based paint hazards).

**3. Occupancy Standards:**

Occupancy standards transfers will be made if the household is not in between the minimum and maximum occupancy standard's set forth by the LACDA.

**4. Other LACDA Initiated:**

Other LACDA initiated transfers may be made to avoid concentration of the most economically and socially deprived families, or address situations that interfere with peaceful enjoyment of the premises.

In addition, the LACDA will determine whether to transfer a family to a different development, the LACDA will take into consideration the geographical distances between the current unit and the available vacant unit, which may delay requiring the family to transfer until a suitable unit within a reasonable distance or in the same development is available.

**B. RESIDENT INITIATED TRANSFERS**

Any resident-initiated transfer shall **not** take priority over new admissions:

A resident shall have resided in their unit for a minimum of 24 months before being eligible for a transfer to another housing development. Each resident may not request more than one transfer

every four years. (Exceptions to this standard will be made for medical or other emergency situations under LACDA initiated transfers).

Furthermore, the LACDA will consider approving transfer requests, other than those for health and safety reasons, by taking into account whether the resident is in good standing with the LACDA. Please see Section E below, “Good Record Requirement for All Transfers”.

Residents requesting to transfer to another unit or development are required to submit a Resident Request to Transfer Form to the site management office. Within ten (10) calendar days, the Property Manager will review the request and determine if the resident is in good standing with the LACDA, has met the 24-month residency requirement, and has not transferred from another site within the last four years.

1. Upon determination by the Property Manager that the resident has met the transfer eligibility criteria, the Resident Request to Transfer Form (RRTF) will be submitted to the Area Manager for review and approval.
2. Should the request be approved, the LACDA will inform the resident in writing. In addition, once a unit becomes available for the unit transfer, the LACDA will advise the resident of the location to allow the resident an opportunity to view and/or accept the unit. Upon acceptance of the unit by the resident, the LACDA will inform the resident of the date of their lease termination for their existing/current unit and the move-in date for the new unit.
3. Should a unit not be immediately available, LACDA will notify the resident that their name has been placed on the transfer list for the location and/or bedroom size desired. If the request is denied, the family will be sent a letter stating the reason for denial and offering the family an opportunity for an informal conference.
4. Requests to transfer to another unit within the same development, generally for medical reasons or to accommodate a smaller/larger family composition, will be reviewed and approved by the Property Manager. As units become vacant, the Property Manager will review the transfer list to determine if a request has been approved for a unit of a particular bedroom size and/or accessibility features. The Property Manager will advise the Area Manager that the unit has been flagged for an intra-development transfer. In cases where the Property Manager denies the transfer request, the resident will be notified in writing of the decision and offered an opportunity for an informal conference.

#### C. PROCESSING TRANSFERS

1. Transfers will be sorted into their appropriate priority status by the Property Manager for their respective sites. Transfers will be made in the following order:  
  
First: Emergency transfers;  
Second: Administrative Transfers;

Third: Occupancy Standards;  
Fourth: Other LACDA Initiated; and  
Fifth: Resident Initiated Transfers.

Within each category, transfer requests will be sorted by the date the completed request (including any verification needed) is received from the Program Specialist or Resident Manager.

2. Transfers to correct occupancy standards may be recommended at time of re-examination or interim re-examination.
3. Residents in over/under housed status “occupancy standards transfer” will be advised by the LACDA that a transfer is recommended, and that the family has been placed on the transfer list.
4. When a HOH, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for an occupancy standard transfer until the child is four (4) years of age. Exceptions: Court Order, DCFS mandated requirements, spouse or marital-type partner is added to the Lease Agreement, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

#### D. UNIT OFFERS

1. The LACDA will make a maximum of one unit offer to residents. A resident must accept or reject the unit offered within two (2) calendar days of the date the offer is made and move into the unit within five calendar days of the date the offer is made. Residents are entitled to reject transfer offers for a “good cause.”
2. Examples of “good cause” reasons for the refusal to take a housing unit offered include, but are not limited to:
  - i. Unit is not of the proper size and type, and the transferred resident’s household would be able to reside there only temporarily;
  - ii. Unit contains lead-based paint, and accepting the offer could result in subjecting the applicant’s children under seven (7) years of age to lead-based paint poisoning;
  - iii. An elderly family makes the decision not to occupy or accept occupancy in designated housing; (24 CFR 945.303(d));
  - iv. A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member;
  - v. The unit is inappropriate for the applicant’s disabilities.



If the LACDA has no safe and available units for which a tenant who needs an emergency is eligible, the LACDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

E. GOOD RECORD REQUIREMENT FOR ALL TRANSFERS

1. In general, and in all cases for all resident-requested transfers, residents will be considered for transfers only if the head of household and any other household members for the past 24 months:
  - i. have not engaged in criminal activity that threatens the health and safety of other residents and staff;
  - ii. do not owe back rent or other charges, or evidence a pattern of late payment;
  - iii. meet reasonable housekeeping standards and have no housekeeping lease citations; and
  - iv. can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).
2. Exceptions to the good record requirements may be made for emergency transfers as deemed necessary by the LACDA.
  - i. In situations that involve a Threat of Violence (TOV), and the resident has an existing Payment Agreement with the LACDA, the transferring resident shall enter into a repayment agreement that will be an Addendum to the Lease Agreement of the new residence, entitled “Repayment Agreement Addendum to the Los Angeles County Development Authority Public Housing Lease Agreement”.
3. Absent a determination of an exception, the following policy applies to transfers:
  - i. If back rent is owed, the resident will not be transferred until the total amount of back rent is paid in full.
  - ii. A resident with housekeeping standards citations will not be transferred until he/she passes a follow-up housekeeping inspection.

F. SECURITY DEPOSITS AND PAYMENT OF DEBT ASSOCIATED WITH THE PRE-TRANSFER UNIT

1. **Disposition of security deposit for a transfer to a new housing development:** The LACDA will charge the family for any damages to the previous unit that exceed that unit’s security deposit. If there is a balance left on the original security deposit, it will be refunded within twenty-one days following move-out. The family will be charged a new security deposit and must pay **the** security deposit to the receiving development upon move-in. Any charges due prior to move out (i.e., delinquent maintenance charges, late rent fee, etc.) will be billed by the previous

housing development to the resident. Moreover, any “Other Charges” incurred after the resident vacates the unit (i.e., maintenance charges) which exceed the security deposit will also be billed to the resident. The resident must pay “Other Charges” within 30 calendar days of receiving an invoice. “Other Charges” are reasonable charges beyond normal wear and tear for repair or damage to the residence or for unauthorized alteration to the residence or common areas caused by the resident, other household members or guests.

**Disposition of security deposit for a transfer within the same housing development:** If there is a balance left on the original security deposit (previous unit), it will be refunded within twenty-one days following move-out. Any charges due prior to move out (i.e., delinquent maintenance charges, late rent fee, etc.) will be billed to the resident. Moreover, any “Other Charges” incurred after the resident vacates the previous unit (i.e., maintenance charges) which exceed the security deposit will also be billed to the resident. The resident must pay “Other Charges” within 30 calendar days of receiving an invoice. “Other Charges” are reasonable charges beyond normal wear and tear for repair or damage to the residence or for unauthorized alteration to the residence or common areas caused by the resident, other household members or guests.

2. In the case of LACDA initiated transfers, the inability to pay the security deposit should not delay the transfer and will be handled on a case-by-case basis.
3. **Lease Agreement Addendum for repayment of debts owed to the LACDA related to pre-transfer unit:** The beneficiary of a transfer must repay any debts owed to the LACDA related to the pre-transfer unit. In order to assure that a Resident who is the beneficiary of a transfer satisfies any debts owed to the LACDA related to their pre-transfer unit, the transferring resident shall enter into a repayment agreement that will be an Addendum to the Lease Agreement of the new residence, entitled “Repayment Agreement Addendum to the Los Angeles County Development Authority Public Housing Lease Agreement”. The failure of the transferring Resident to pay the debts owed to the LACDA related to their pre-transfer unit shall be a material breach of the Lease Agreement for the new residence.

#### G. RESIDENT’S RESPONSIBILITY

Residents are responsible for all moving costs related to a Resident Initiated transfer. The LACDA will only incur the reasonable moving costs of transfers initiated by the LACDA due to demolition, disposition, revitalization, rehabilitation, and/or a reasonable accommodation for a resident with a disability.

Residents **must** return the keys to their old unit within five (5) calendar days of the date the transfer offer was made. Should the resident not return the keys to their old unit, the sending development, in addition to billing the resident, will also notify the receiving development of the resident’s outstanding balance. Failure to pay outstanding charges to the LACDA is a material breach of the

Lease Agreement and the resident will be subject to termination of their tenancy.

#### H. RECERTIFICATION

A Recertification (50058 Action Type 2 or 12) will not be conducted at the time of transfer, unless the actual move in date occurs on the household annual recertification date or the Flat Rent update. The date of annual recertification will not change upon the completion of the transfer.

#### I. VAWA EMERGENCY TRANSFER PLAN

On November 16, 2016, the VAWA final rule was published in the Federal Register requiring emergency transfer plans for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Transfers under VAWA are considered “Emergency Transfers” which are given first priority over other types of transfers. This plan is based on a model emergency transfer plan provided by HUD form-5381. All other transfer policies in this chapter also apply to VAWA transfers.

The LACDA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

The ability of the LACDA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the LACDA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

*This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security.*

### **Eligibility for Emergency Transfers**

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

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify their respective LACDA management office and submit a **written** request for a transfer. The tenant will be provided with **HUD form-5383** "Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking". The LACDA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

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

### **Confidentiality**

The LACDA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the LACDA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the "Notice of Occupancy Rights under the Violence Against Women Act" HUD form-5380 for all tenants for more information about the LACDA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

The LACDA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The LACDA will, however, prioritize this type of transfer and act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The LACDA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the LACDA has no safe and available units for which a tenant who needs an emergency is eligible, the LACDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the LACDA will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

### **Safety and Security of Tenants**

Pending processing of the transfer approval and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe, including but not limited to temporary housing by staying with family or friends. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>. For referrals to local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking residents should contact their management office.

## Chapter 8

### LEASE AGREEMENT

[24 CFR 966.4]

#### INTRODUCTION

All units must be occupied pursuant to a dwelling Lease Agreement that complies with HUD's regulations [24 CFR Part 966]. This chapter describes the LACDA's policies pertaining to lease execution, terms of Lease Agreement, security deposits, rent payments, inspection of units, and additions to the lease.

#### A. LEASE ORIENTATION

Upon execution of the lease, the LACDA will conduct a lease orientation for all adult members of the household. The family **must** attend an orientation before taking occupancy of the unit.

At the time of the Lease-in interview, all adult members will be required to sign the Lease Agreement, Lease Addendums, House Rules, Certified Statements of Resident Obligations, and other documents required by the LACDA. Failure to sign any required documents will be cause for denial of housing.

Families will be provided with the following information during the lease orientation:

A copy of the Lease Agreement

A copy of the LACDA's lease and grievance procedure

A copy of the House Rules

A copy of the full application and signed release forms

A copy of Parking Policy

A copy of the Certified Statement of Resident Obligations

A copy of the HUD Form 52675 and What You Should Know About EIV

Information on the Privacy Act

Lead Based Paint Information

Fair Housing Booklet

A copy of the LACDA's Pet Policy

A schedule of LACDA maintenance charges

Copy of the Community Service Requirement (CSSR) Entrance Agreement (or CSSR Exemption Form)

Topics to be discussed will include, but are not limited to:

Applicable deposits and other charges

Provisions of the Lease

Orientation to the community

Unit maintenance and work orders

CSSR Requirements

**B. TERM OF LEASE AGREEMENT**

The initial term of the lease will be for 12 months. The lease will renew for a 12-month term unless good cause exists not to renew the lease. The LACDA will provide the household with an Annual Notice of Change to Public Housing Lease Agreement (“Addendum”), which will be signed by the Property Manager or Area Manager. The Lease Addendum will include the monthly rental payment amount and all other covenants, terms and conditions of the Lease will remain the same. The adult household members are not required to sign the Lease Addendum renewal.

See Chapter 11 for further detail regarding the date of annual re-examination and the Lease Agreement anniversary date.

**C. EXECUTION OF LEASE**

The lease shall be executed by the head of household/co-head and/or spouse/marital-type partner, and all other adult members of the household, and by an authorized representative of the LACDA, prior to admission.

The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the resident, and the LACDA will retain one in the resident’s file. The lease is incorporated into this policy by reference. The lease document will reflect current LACDA policies as well as applicable Federal, State and Local law.

The following provisions govern lease execution and amendments:

A lease is executed at the time of admission for all new residents.

A new lease is executed at the time of the transfer of a resident from one LACDA unit to another.

A new lease is executed at the time of an approved new adult member add-on.

If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.

The names of all household members are listed on the lease at initial occupancy and on the Annual Notice of Change Public Housing Lease Agreement ("Addendum") each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.

Changes to resident rents are made upon the preparation and execution (signed) of an Annual Notice of Change Public Housing Lease Agreement ("Addendum") at the time of the annual recertification or "Notice of Rent Adjustment" between annual reexaminations by the LACDA, which becomes an attachment to the lease. Documentation will be included in the resident file to support proper notice.

Households that include a live-in aide are required to execute a "Live-In Aide Agreement" authorizing the arrangement and describing the status of the attendant.

#### D. MODIFICATIONS TO THE LEASE

The LACDA may modify its form of lease from time to time, giving residents 30 days for an opportunity to comment on proposed changes and advance notice of the implementation of any changes.

Schedules of special charges and rules and regulations are subject to modification or revision. Residents will be provided at least 30 days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the central office, and at site management offices.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by the site Property Manager or Area Manager.

A resident's refusal to execute the LACDA approved lease modifications, or those modifications required by HUD, is a material breach of the Lease Agreement and grounds for termination of tenancy.



## E. ADDITIONS TO THE LEASE

Requests for the addition of a new member to the household must **first be approved by the LACDA**, prior to the actual move-in by the proposed new member except for additions by birth, adoption, court-awarded custody foster adult, and/or of a minor child approved by a social service agency (i.e. DPSS, DCFS, etc.), in which case the family must inform the LACDA within ten (10) calendar days.

Following receipt of a family's request to add a new member, the LACDA will conduct a pre-admission suitability review for those proposed household members over the age of 18 and conduct a screening for sex offender status for proposed members between the ages of 13 to 17 years of age. A new Lease Agreement for the household will be required when an authorized adult member is approved and added to the family composition. Only those members approved by the LACDA will be added to the lease. Furthermore, the LACDA will consider whether the resident request to add a member(s) will exceed the occupancy limit for the unit as a factor determining whether to approve the request.

Upon approval by the LACDA, families may add only the following persons to their lease:

- Spouse/marital/domestic-type partner and the minor children of that person
- Minor child of the head of household, co-head, spouse/marital-type partner who has been living elsewhere
- Adult child due to recent discharge from the military
- A disabled adult parent or child of the head of household/co-head who requires disability-required care
- Former household member(s) may be reinstated within 120 days after their move-out, if they are in good standing with the LACDA. Member is subject to Criminal Background screening and must meet suitability requirements.
- Secondary Education Students - Former household members in good standing that were removed from the household while attending a secondary educational institution may be reinstated upon completion of their education program, with verification. Written verification from the registrar's office will be required. Verification must include ongoing and consecutive enrollment status or an approved and/or authorized leave per the educational institution, or evidence of completion. Member is subject to Criminal Background screening and must meet suitability requirements.

Live-in aides do **not** have the right of tenancy and **cannot** be added to the families' Lease Agreement. Upon approval by the LACDA, a live-in aide can reside in the household. Live-in aides are required to execute a "Live-In Aide Agreement" with the LACDA.

Children born to a family member are not subject to screening for purposes of determining household additions.

Residents who fail to notify the LACDA of additions to the household, or who permit persons to join the household (includes permitting non-tenants to utilize a resident's address), without

undergoing screening are considered to have unauthorized occupants by the LACDA, and are in violation of the lease and subject to termination of tenancy [24 CFR 966.4(f)(3)].

Upon approval of the additional household members between annual reexaminations, the LACDA will process an interim re-examination, HUD Form 50058 to reflect the change in household composition and income, the Lease anniversary date will remain the same. In cases where the new household member is **over the age of 18**, the LACDA **will execute a new Lease Agreement** with the family. In such cases, the LACDA will conduct an annual or interim reexamination (whichever is applicable).

F. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES [24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disabled applicant, the LACDA **shall** offer such units in the following priority order:

1. To a current occupant of another unit of the same development, or other public housing development under the LACDA's control, who has a disability that requires the special features of the vacant unit.
2. To an eligible qualified applicant on a specific waiting list having a disability that requires the special features of the vacant unit.
3. To an eligible qualified applicant on a specific waiting list who does not require the special features of the vacant unit.

The LACDA will require a non-disabled applicant to agree prior to move in to move to an available non-accessible unit within 30 calendar days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement is a provision of an Addendum to the Public Housing Lease Agreement.

G. UTILITY SERVICES

Residents are responsible for direct payment of utilities. Residents must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services during tenancy is a lease violation and grounds for termination of tenancy.

If there is a utility reimbursement payment, the LACDA shall pay the utility reimbursement payment directly to the resident as delineated in Chapter 5 Section Q.

H. SECURITY DEPOSITS

New residents must pay a security deposit to the LACDA at the time of admission.

Elderly-Only Housing Developments:

The Security Deposit is the greater of the applicant's TTP or \$75 for Elderly-Only housing developments.

General Occupancy Housing Developments:

The Security Deposit is the greater of the applicant's TTP or \$125 for general occupancy housing developments.

The LACDA will hold the security deposit for the period the resident occupies the unit. The LACDA will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of:

Unpaid Rent;

Damages listed on the Move-Out Inspection Report that exceed normal wear and tear;

Other charges under the Lease.

The LACDA **will refund** the Security Deposit less any amounts owed, as required by California State Law, within 21 days, following move out.

The LACDA will provide the resident or designee identified above with a written list of any charges against the security deposit. If the resident disagrees with the amount charged to the security deposit, the LACDA will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to the LACDA. All keys to the unit must be returned to the Management upon vacating the unit.

The LACDA will not use the security deposit for payment of rent or other charges while the resident is living in the unit.

If the resident transfers to another unit or development, the LACDA will refund the security deposit 21-days following the move-out, less damages, and collect a new security deposit TTP. Families will be required to update their income and other information upon prior to the unit transfer. The resident will be informed of the new security deposit amount.

I. RENT PAYMENTS

The tenant rent is due and payable to a specified Bank of America (BoFA) Post Office Box on the first day of every month. If the first day falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If BoFA does not receive a payment by the fifth business day of the month, a notice to pay rent or

quit will be served on the resident. Residents shall make all payments by check or money order payable to THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY (LACDA). The LACDA shall collect a fee in the amount charged the LACDA by the bank anytime a check is not honored for payment or there are insufficient funds through an Automated Clearing House (ACH) or web based payment. A dishonored bank check fee shall be **due two (2) weeks after** service of notice. Residents who submit more than two (2) checks that are not honored for payment will be required to make rent payments by money order only. If a Resident is delinquent in paying their rent more than three (3) times during a twelve (12) month period, it will be considered a material breach of their Lease Agreement.

If a resident is issued a Notice of Termination, the LACDA will not accept rent payments in any form unless the resident is in the grievance hearing process.

The LACDA provides Residents with up to three options for paying rent:

**Option 1:**

**LOCKBOX SYSTEM PAYMENT**

The following is the LOCKBOX procedure for paying rent:

All rent payments are mailed to a Bank of America (BofA) Postal Office Box;

BofA scans the front of the money order/check, envelope and statement;

All scanned documents and payment information is inputted and batched by BofA;

BofA uploads all payment information to a secure web site;

The LACDA accesses the secure BofA web site and import rent payment data into the housing software.

**Option 2:**

**WEB BASED ONLINE PAYMENT**

An LACDA resident can make rent payments online through the LACDA's secure online rent payment service. Residents must enter their T Code, bank account number, and bank routing number. Payments made before 4:00 p.m. are debited from the resident's bank account on the same day if the resident banks with Bank of America, all other financial institutions may take 3-5 business days. If there are insufficient funds in the resident's account, the LACDA shall collect from the resident any fees charged by the bank. Residents can make web based online payments at any time.

**Option 3:**

## AUTOMATIC BANK PAYMENT

An LACDA resident can make Automated Clearing House (ACH) rent payments from the resident's bank account. The resident's bank account will be debited on the third (3rd) calendar day of each month. If that day is on a weekend or holiday, the payment will be debited on the next business day.

Residents continue to receive a monthly rent statement and the total rent due on that statement is the amount that is withdrawn from the resident's bank account. A resident can cancel automatic rent payments by providing their management office with a written request to cancel. Cancellation request **must** be submitted by the 10th of the month to allow the LACDA and the Depository sufficient time to process. If there are insufficient funds in the resident's account, the LACDA shall collect from the resident any fees charged by the bank.

## J. PAYMENT OF OTHER CHARGES

Residents must pay "Other Charges" as set forth in the Lease within 30 calendar days from receiving an invoice. "Other Charges" include damages to the Residence beyond normal wear and tear or unauthorized alterations to the Residence or common areas caused by the Resident, other household members or guests. Other Charges are billed to the Resident and specify damaged items, corrective action taken and cost of labor and/or materials to correct damages. The costs of repairs are based on the Schedule of Other Charges provided to each Resident and posted in the Management Office.

Management accepts payments of "Other Charges" separately from payments of rent owed by the Resident. The failure of Resident to pay Other Charges when due constitutes a material breach of the Lease.

## K. NONPAYMENT PENALTIES

If BofA does not receive the resident's monthly rent in full by the fifth business day of the month, the resident shall pay to the LACDA a late rent charge fee of twenty-five dollars, due within two weeks of being notified by the LACDA.

## L. SCHEDULES OF MAINTENANCE CHARGES

A schedule of charges for maintenance services and repairs which is incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the management office.

## M. INSPECTIONS OF PUBLIC HOUSING UNITS

### Move-In Inspections

The LACDA and the family **will** inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the LACDA and the resident, will be kept in the resident file.

### Annual Inspections

The LACDA will inspect all units annually in accordance with the HUD Uniform Physical Condition Standards (UPCS).

The LACDA Inspection report will indicate whether required corrections are to be charged to the resident or covered by the LACDA.

All inspections will include a check of all smoke alarms and carbon monoxide detectors to ensure proper working order.

### Quality Control Inspections

The LACDA **will** conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which the LACDA can be of service to the family and to assure that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

The LACDA will conduct quality control inspections of not less than 5% of all units.

### Special Inspections

The LACDA may conduct a special inspection for housekeeping, unit condition, or suspected lease violation every 30 days for one year. Tenants will have 30 days to correct any deficiencies noted by the LACDA and may be subject to one or more follow-up inspections.

HUD representatives or local government officials may review LACDA operations periodically and as a part of their monitoring may inspect a sampling of the LACDA's inventory.

### Move-Out Inspections

The purpose of these inspections is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The LACDA will determine if there are resident caused damages to the unit. Resident caused damages may affect part or all of the family's security deposit.

In accordance with Section 1950.5(f) of the California Civil Code, the LACDA will abide by the following Move-Out Inspection procedures when the resident submits a 30-day Notice of Intent to Vacate or the LACDA issues a 30-day Notice to Vacate or a 14-Day Notice to Pay Rent or Quit or a 30-Day Notice to Cure or Quit, to the resident.

These procedures do not apply to residents who receive a Three-Day Notice to Quit due to a lack of time to provide an initial Move-Out inspection.

The LACDA shall notify the resident in writing of their option to request an initial Move-Out

inspection and their right to be present at the inspection.

At the time the resident submits a 30-Day Notice of Intent to Vacate or the LACDA issues a 30-Day or 14-Day Notice, the residents will be informed that the request for the initial inspection must be in writing and delivered to the Management office during normal business hours within three (3) days of the date of service of the Notice. Should the resident fail to request an initial inspection, the LACDA will be discharged of its duty.

After the resident submits a request for an initial inspection, the LACDA and the resident will schedule said inspection at a mutually agreed upon date and time. The inspection should be scheduled no earlier than two weeks before the termination of the Lease Agreement.

The LACDA will give the resident 48-hour prior written notice of the mutually agreed upon date and time. However, the LACDA and the resident may forego the 48-hour written notice by executing a written waiver. The LACDA will then proceed with the inspection whether the resident is present or not in the unit.

Upon the completion of the inspection, the LACDA will give the resident an itemized statement specifying the items that are in need of repair and/or cleaning which will be the basis for deductions from the security deposit. This itemized statement will be handed to the resident at the conclusion of the inspection or placed inside the unit (should the tenant not be present).

The resident will have the opportunity during the period from the completion of the initial inspection until termination of the Lease Agreement to remedy the deficiencies.

Following the final inspection (post Move-Out), the LACDA may deduct from the security deposit items not cured, items which occurred after the initial inspection, or items not identified during the initial inspection due to the presence of the resident's possessions.

### Emergency Inspections

The LACDA may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit. In addition, the LACDA may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Repairs are to be completed within 24 hours from the time the work order is issued.

### Entry of Premises Notices

The LACDA will give 48-hour advance written notice prior to entering the unit for non-emergency inspections or repairs. Non-emergency entries to the unit will be made during reasonable hours of the day. For emergency inspections or repairs, no advance notice is required for the LACDA to enter the unit. Furthermore, the LACDA will consider tenant maintenance service requests as constituting permission for the LACDA to enter the unit to conduct repairs.

An adult family member must be present in the unit during the inspection or repair if there are

children present in the unit.

If no person is at home, the LACDA will enter the unit and conduct the inspection or repairs and will leave a written notice to the resident explaining the reason the unit was entered and the date and time.

Where the LACDA is conducting regular annual inspections of its housing units, the family will receive at least 48 hours advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

The LACDA reserves the right to enter a unit, subject to the applicable notice, under the following conditions:

- Inspections and maintenance

- To make improvements and repairs

- To show the premises for leasing

- In cases of emergency

#### Non-Inspection Emergency Entry

The LACDA staff will allow access to the unit to proper authorities when issues of health or safety of the resident are concerned.

#### Family Responsibility to Allow Inspection

It is a violation of the Lease Agreement for the resident to refuse to allow entry to the unit for the reasons set forth in this ACOP.

#### Housekeeping Violation Notifications

Should the LACDA observe housekeeping deficiencies in the course of conducting an annual unit inspection, the Property Manager will issue a Housekeeping Violation Notice to the resident and schedule a housekeeping inspection. Should the resident “fail” the housekeeping inspection, the LACDA will conduct such inspections every thirty (30) days for a twelve (12) month period.

Serious housekeeping deficiencies which pose a health and safety risk to the resident and/or neighbors and/or the development can be considered a material breach of the Lease and grounds for termination of tenancy.

More than one violation issued to a family who has purposely and for convenience disengaged the unit’s smoke or carbon monoxide detector will also be considered a violation of the Lease.

#### Resident Damages



Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

“Beyond normal wear and tear” is defined as items that could be charged against the resident’s security deposit under state law.

N. GUEST POLICY

Residents shall obtain LACDA management written approval for the presence of any person not identified in the lease as a member of the resident’s household who occupies the unit for over ten (10) consecutive days or a total of 14 days within a twelve-month period. The Executive Director or his/her designee has discretionary authority to approve the occupation of a unit beyond 14 days. Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

The LACDA will consider:

Statements from neighbors and/or LACDA staff

Vehicle license plate verification

Post Office records

Driver’s license verification

Law enforcement reports

Credit reports

Current Lease Agreement or financial records

Use of the unit address as the non-household member’s current residence for any purpose is not authorized and is considered a breach of the Lease Agreement.

The burden of proof that the individual is a guest rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the LACDA may terminate the family’s lease since prior approval was not requested for the addition.

In a joint custody arrangement, if the minor is in the household less than 90 days per year, the minor will be considered to be an eligible guest and not a family member. If both parents reside in Public Housing or any other housing program, only one parent shall be able to claim the child for deductions and for determination for the occupancy standards. The LACDA will request for proof of school enrollment, child custody records, including court-orders.

O. HOME OCCUPATIONS

The LACDA in its sole discretion, may authorize a unit to be used as a place for conducting a

home occupation; provided that the unit is used primarily as a place of residence and the following conditions are met to assure that the use of the unit is consistent with residential use and will not disturb the peaceful enjoyment of the premises by other residents.

#### Criteria for Home Occupations

1. No construction, structural alteration or addition to the unit shall be permitted;
2. Not more than one room in a unit shall be primarily used in connection with the home occupation;
3. No special equipment or facilities other than furnishings, small tools, and hand-carried or light office machines shall be installed or utilized;
4. No persons other than residents of the LACDA shall work on the Premises in connection with the home occupation;
5. There shall be no excessive vehicular traffic to or from the unit by customers, salesmen, repairmen, service vehicles, deliverymen, messengers or others beyond the amount of such traffic generally incidental to residential uses;
6. No sound created by the operation of the home occupation shall raise the noise to a level which disturbs the neighbors or the housing complex;
7. No hazardous or offensive materials shall be stored or utilized;
8. No sign shall be displayed which in any way indicates the presence of a nonresidential activity;
9. There shall be no evidence of nonresidential activity visible from any point beyond the immediate premises where the home occupation is located;
10. Storage of goods and materials not associated with residential uses shall be limited and shall not create a safety or health impact such as, but not limited to, fire safety or blockage of passageways;
11. Sale of firearms shall be prohibited.
12. Being in possession of an unregistered or illegal gun or other firearm.
13. The Property Manager shall have final approval of all Home Occupation activities.

#### Criteria for Childcare Home Occupations

For those residents electing to provide childcare in their unit, the following additional requirements must be followed:

1. Criminal background check for all family members 18 years of age and older;
2. Executed Space Use Agreement (SUA) which will include the following:
  - a. In accordance with the revised Health and Safety Code Section 1597.531, the childcare provider shall maintain one of the following:
    1. Liability insurance kept in force covering injury to clients and guests in the amount of at least one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) in the total annual aggregate, sustained on account of the negligence of the licensee or its employees; or
    2. A bond in the aggregate amount of three hundred thousand dollars (\$300,000); or
    3. A file of affidavits signed by each parent with a child enrolled in the home. The affidavit shall state that the parents has been informed that the family child care home does not carry liability insurance or a bond according to standards established by the state of California, and that the parent has been informed that the liability insurance, if any, of the owner of the property may not provide coverage for losses arising out of, or in connection with, the operation of the family day care home, except to the extent that the losses are caused by, or result from, an action or omission by the owner of the property for which the owner of the property would otherwise be liable under the law.

A family day care home that maintains liability insurance or a bond pursuant to the above section, shall name the LACDA as an additional insured party on the liability insurance policy or bond with the following conditions being met:

The LACDA may make a written request to be added as an additional insured party;

The addition of the LACDA does not result in cancellation or nonrenewal of the insurance policy or bond carried by the family day care home;

Any additional premium assessed for this coverage is paid by the LACDA.

- b. Copy of State of California Child-Care License
  3. Pass a Unit Inspection;
  4. Comply with the Home Inspection Criteria;
  5. Abide by and assure that childcare clients comply with the applicable terms of the Lease Agreement (section 6 parts A, B, C, D, E, F, H, L, N, O, Q, S, T, U, W, Z, AA, CC, DD, and EE) established for the benefit and well-being of the Housing Development in which the Residence is located. The Lease

Agreement is available in the Management office;

6. Provide to the Property Manager the names of each parent and child utilizing the childcare services;
7. Complete a safety training to be conducted by site Maintenance staff;
8. Notify the site Community Policing Program (CPP) that resident is conducting childcare in the unit;
9. Resident, as Licensee, shall comply with all applicable Federal, State, and local laws regarding the provision of childcare in the unit and comply with all terms of their Lease Agreement;
10. The LACDA shall ensure the peaceful enjoyment of all residents at the housing development;
11. Failure to comply with the Childcare Home Occupations Policy may result in the resident losing their housing;
12. Provide the site management office with the name of an alternate person as back-up child caretaker, including a copy of the person's California Identification Card or Driver's License.

## Chapter 9

### PET POLICY—ELDERLY DEVELOPMENTS

[24 CFR 5.309]

#### INTRODUCTION

This policy sets forth the LACDA's policies and procedures for the ownership and care of common household pets at the Elderly Public Housing Developments owned and or managed by the LACDA. This policy is also intended to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of his or her ownership of a pet. It also establishes reasonable rules governing the keeping of common household pets.

These policies and procedures implement the provisions of Title 24 Code of Federal Regulations §§ 5.300-5.380 and 24 CFR § 960.701 (if applicable), and HUD Final Rule re Pet Ownership for the Elderly and Persons with Disabilities (October 27, 2008).

Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are used to assist them.

#### A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

This Pet Policy does **NOT** apply to assistance and service animals or their owners, including payment of a refundable pet deposit.

**A service animal** is an animal, any dog, which is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A resident who requests for a service animal does not require a submittal of a reasonable accommodation verification form as delineated in Chapter 1. The LACDA may only ask whether the animal is a service animal required due to a disability, and what tasks the animal has been trained to perform.

1. The LACDA will not require proof of training or certification for a service animal, even if the disability and/or tasks performed are not readily apparent.
2. If the disability and/or tasks performed are not readily apparent, no further inquiries may be made.

**An assistance animal** may include animals other than dogs, which provide emotional support to persons with disabilities when there is a disability-related need for such support. Assistance animals are not required to be trained or certified. Residents who need an assistance animal must follow the reasonable accommodation request procedures delineated in Chapter 1.

In accordance with Section 504 of the Rehabilitation Act and the Fair Housing Act, pet rules will not be applied to animals that assist persons with disabilities except as provided below:

There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;

There is reliable objective evidence that the animal would cause substantial physical damage to the property of others;

The presence of the assistance animal would pose an undue financial and administrative burden to the provider; or

The presence of the assistance animal would fundamentally alter the nature of the provider's services.

A determination that an animal that assists a person with a disability poses a threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct.

**B. SERVICE AND ASSISTANCE ANIMAL STANDARDS**

A service and assistance animal is permitted in all areas of the facility where members of the public are allowed, and including the tenant's unit. Additionally, all lease provisions apply, including maintaining a clean, sanitary unit and ensuring neighbors enjoy the premises in a peaceful, quiet, nonthreatening environment. Refer to Section C through N of the Pet Policy. Breed, size, and weight limitations may not be applied to a service or assistance animal.

**C. LACDA APPROVAL OF PETS**

All pets must be approved in advance by the LACDA.

Pets must meet the LACDA's pet standards and the tenant and the LACDA must enter into a Pet Agreement.

**D. PET STANDARDS**

1. Types of Pets Allowed-Common Household Pet Defined [24 CFR §§ 5.306 & 5.318]

No types of pets are permitted unless such pets meet the definition of a "common household pet." For purposes of this Policy, the term "common household pet" is defined as follows:

- (a) A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes.
- (b) Common household pet does not include reptiles (except turtles).

- (c) If this definition conflicts with any applicable California State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, California State or local law or regulation shall apply.
- (d) This does not include animals that are used to assist persons with disabilities. [24 CFR § 5.306]

The following animals are NOT “common household pets”:

Domesticated dogs that exceed thirty (30) pounds (Animals certified to assist the disabled are exempt from the weight limitation.)

Vicious or intimidating dogs. Under California law (Food and Agriculture Code Sec. 31603), a “vicious” dog is defined as, but not limited to:

- (a) Any dog seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.
- (b) Any dog which, when provoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- (c) Any dog previously determined to be and currently listed as a potentially dangerous dog, which, after its owner or keeper has been notified of this determination, continues the behavior, described in Section 31602 or is maintained in violation of Section 31641, 34642, or 31643.
- (d) Any dog breeds that have been determined to be “potentially dangerous” or “vicious” under California law or local animal control ordinance.
- (e) Wild, feral, or any other animals that are not amenable to routine human handling.
- (f) Any poisonous animals of any kind.
- (g) Fish in aquariums exceeding ten gallons in capacity.
- (h) Non-human primates.
- (i) Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- (j) Pot-bellied pigs.
- (k) Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.

- (l) Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children.
  - (m) Chicks or other animals that pose a significant risk of salmonella infection to those who handle them.
  - (n) Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans.
  - (o) Snakes or other kinds of reptiles (except turtles).
  - (p) Any other animal that, due to its size, nature or disposition, presents a risk to public health or safety or cannot be properly cared for due to its physical needs.
2. Limitation of Number of Pets [24 CFR § 5.318]

Residents are not permitted to have more than a total of two (2) common household pets. Of this total, residents are not permitted to have more than one (1) dog.

3. Pet Size and Type

(a) Dogs

Maximum number: 1

Maximum adult weight: 30 pounds

Must be housebroken

Must be spayed or neutered

Must have all required inoculations

Must be licensed as specified now or in the future by State law and local ordinance

Any litter resulting from the pet must be removed as soon as the puppies are weaned or are eight weeks of age.

(b) Cats

Maximum number: 2

Must be a household cat

Must be spayed or neutered



Must have all required inoculations

Must be trained to use a litter box or other waste receptacle

Must be licensed as specified now or in the future by State law or local ordinance

Any litter resulting from the pet must be removed as soon as the kittens are weaned or are eight weeks of age.

(c) Birds

Maximum number: 2

Must be enclosed in a cage at all times

(d) Fish

Maximum aquarium size: (10 gallons)

Must be maintained on an approved stand

(e) Rodents (rabbit, guinea pig, or hamster ONLY)

Maximum number: 1

Must be enclosed in an acceptable cage at all times

Must have any or all inoculations as specified now or in the future by State law or local ordinance

E. INNOCULATION AND REGISTRATION OF PETS [24 CFR §5.350(d)]

Pets must be registered with the LACDA at least ten (10) days before the pet is brought onto the premises and must submit proof of license and inoculation at least 30 calendar days prior to each annual certification. Pets need to be inoculated in accordance with California State and local law and regulations.

Each pet owner must provide two color photographs of their pet(s) and display a “Pet Here” sticker, provided by the LACDA, which will be displayed on the front door of the unit at all times. Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Registration must include:

- (a) A certification of inoculation signed by a licensed veterinarian or a State or local authority (or designated agent of such an authority) stating that the pet has received all inoculations required by State or local law.

- (b) Information sufficient to identify the pet and to demonstrate that it is a common household pet, including, a color photograph of their pet(s) and display a “Pet Here” sticker, provided by the LACDA, which will be displayed on the front door of the resident/pet owner’s unit at all times.
- (c) The name, address, and phone number of at least one responsible party who will care for the pet if the owner dies or is unable to provide care.
- (d) The resident/pet owner’s acknowledgement indicating that he or she has read the pet rules and agrees to be bound by them.

Refusal of the LACDA to Register a Pet

The LACDA shall be authorized to refuse to register a pet under the following circumstances:

- (a) If the pet does not meet the definition of a “common household pet” as defined herein.
- (b) If the keeping of the pet would violate any applicable house pet rule.
- (c) If the resident/pet owner fails to provide complete pet registration information or fails annually to update the pet registration.
- (d) The LACDA reasonably determines, based on the resident/pet owner’s habits and practices, that the resident/pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations. The pet’s temperament may be considered as a factor in determining the prospective resident/pet owner’s ability to comply with the pet rules and other lease obligations.

The LACDA shall provide notice of a decision refusing to register a pet and such notice shall further inform the resident/pet owner of the basis of that decision and of the resident/pet owner’s grievance rights. Notice of a decision shall be served in conformance with the requirements of 24 CFR § 5.353(f).

F. PET CARE STANDARDS

Residents who have been approved to have a pet must adhere to the following pet standards:

1. Sanitary Standards Governing the Disposal of Pet Waste
  - (a) The following areas are designated no-pet areas: management offices, community centers, and recreation center areas (except such areas that would deny access to the building).
  - (b) Pets shall not be exercised or permitted to deposit waste in any interior

common area of the Housing Development.

- (c) All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge of \$5.00 for each separate violation of the waste removal requirements.
- (d) All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.
- (e) Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced no less every two weeks. Failure to do so will result in a Pet Waste Removal charge of \$5.00 for each separate violation of the waste removal requirements.
- (f) Deceased pets shall be properly disposed by Los Angeles County Animal Control Services where applicable and shall not be disposed on the LACDA's property.

2. Pet Restraints

All household pets must be under the control of a responsible individual while on the common areas of the Housing Development. All pets must be effectively and appropriately restrained and under the control of a responsible individual while on the common areas of the Housing Development.

3. Other Standards

- (a) Each resident/pet owner shall comply with all California State and local licensing laws and regulations.
- (b) Each dog and cat shall be spayed or neutered.
- (c) No pet shall be permitted on Housing Development property that is not owned by a resident or that is temporarily present for a period in excess of 14 days.
- (d) The LACDA shall have the right to require the removal of any pet, if the pet's conduct or condition is duly determined to constitute, under the provision of California State or local law, a nuisance or a threat to the health or safety of other occupants of the Housing Development or of other persons in the community where the Housing Development is located.

G. NOTICE OF PET RULE VIOLATIONS

1. If the LACDA determines on the basis of objective facts, supported by written statements, that a resident/pet owner has committed a violation of a rule governing the owning or keeping of pets, the LACDA may serve a written notice of a pet rule violation. The notice of violation must:
  - (a) Contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated.
  - (b) State that the resident/pet owner has ten (10) calendar days from the effective date of service of the notice to correct the violation (including appropriate circumstances, removal of the pet) or to make a written request for an informal conference to discuss the violation.
  - (c) State that resident/pet owner is entitled to be accompanied by another person of his or her choice at the informal conference.
  - (d) State that the resident/pet owner's failure to correct the violation, to request an informal conference, or to appear at the informal conference may result in initiation of procedure to terminate the tenant's tenancy.
  - (e) If the resident/pet owner requests a meeting, the LACDA shall establish a mutually agreeable time and place for the meeting. Such a meeting shall take place no later than 15 calendar days from the effective date of service of the notice of the pet violation (unless the LACDA agrees to a later date). At the informal conference, the resident/pet owner and the LACDA shall discuss any alleged pet rule violation and attempt to correct it. The LACDA may, as a result of the meeting, give the resident/pet owner additional time to correct the violation.

2. Notice of Pet Removal

If the resident/pet owner and the LACDA are unable to resolve the pet violation at the pet rule violation meeting, or if the LACDA determines that the resident/pet owner has failed to correct the pet rule violation within any additional time provided for this purpose under sub-section (e) above, the LACDA may serve a written notice on the resident/pet owner, in accordance with 24 CFR § 5.353(f)(1)(i) or (ii) requiring the resident/pet owner to remove the pet. The notice must:

- (a) Contain a brief statement of the factual basis for the determination and the pet rule or rules alleged to be violated.
- (b) State that the resident/pet owner must remove the pet within ten (10) days of the effective date of service of the notice of pet removal (or the meeting,

if notice is served at the meeting).

- (c) State that the failure to remove the pet may result in initiation of procedures to terminate the resident/pet owner's tenancy.

3. Initiation of Procedures to Remove a Pet or Terminate the Resident/Pet Owner's Tenancy

The LACDA may not initiate procedures to terminate a resident/pet owner's tenancy based on a pet rule violation unless:

- (a) The resident/pet owner has failed to remove the pet or correct the pet rule violation within the applicable time period specified above.
- (b) The pet rule violation is sufficient to begin procedures to terminate the pet owner's tenancy under the terms of the lease and applicable regulations.
- (c) The LACDA shall have the right to initiate procedures to remove a pet under 24 CFR § 5.327 (Nuisance of Threat to Health or Safety) at any time, in accordance with the provisions of applicable State or local law.

H. FINANCIAL OBLIGATIONS RELATING TO PETS-PET DEPOSITS [24 CFR § 5.318(d)]

A resident/pet owner who owns or keeps a dog or cat shall be required to pay a refundable deposit in an amount of **\$75**. This deposit is in addition to any other financial obligation generally imposed on tenants of the Housing Development.

For pet deposits subject to paragraph 24 CFR § 5.318 (d)(2)(i)(A), the resident/pet owner may pay the pet deposit through gradual accumulation of the deposit through an initial payment not to exceed \$50 when the pet is brought onto the premises, and subsequent monthly payments not to exceed \$10 per month until the amount of the deposit is reached.

The pet deposit and pet waste removal charges are **not** part of rent payable by the resident.

The LACDA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet in the Housing Development, including (but not limited to) the cost of repairs and replacements to, and fumigation of, the tenant's dwelling unit and the cost of animal care facilities under 24 CFR § 5.363. The LACDA shall refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the Housing Development or no longer owns or keeps a cat or dog in the dwelling unit.

The LACDA will refund the Pet Deposit to the resident, less any damage caused by the pet(s) to the dwelling unit, upon removal of the pet or the owner from the unit.

The LACDA will provide the resident or designee identified above with a written list of any

charges against the pet deposit. If the resident disagrees with the amount charged to the pet deposit, the LACDA will provide a meeting to discuss the charges.

I. ALTERATIONS TO UNIT

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

J. ADDITIONAL REQUIREMENTS

Resident/pet owners must take precautions to eliminate pet odors.

Resident/pet owners will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Resident/pet owners shall not feed stray animals; doing so or keeping stray or unregistered animals will be considered having a pet without permission.

K. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet(s).

In the event the resident relocates to a privately-owned apartment complex or hotel at the request of the LACDA to complete emergency repairs to the resident's unit and/or complete modernization and/rehabilitation activities, the resident shall have the responsibility for the board and care of their pet(s) during the duration of the resident's relocation.

L. INSPECTIONS

The LACDA shall be permitted, as authorized by the Lease Agreement, to after reasonable notice to the tenant and during reasonable hours, to enter and inspect the premises. The lease shall permit entry and inspection only if the LACDA has received a signed, written complaint alleging or the has reasonable grounds to believe that the conduct or condition of a pet in the dwelling unit constitutes, under applicable State or local law, a nuisance or a threat to the health or safety of the occupants of the project or other persons in the community where the Housing Development is located.

M. EMERGENCIES

The LACDA shall be permitted, as authorized by the Lease Agreement, to undertake the following

actions in response to an emergency:

- (1) If there is no State or local authority (or designated agent of such an authority) authorized under applicable State or local law to remove a pet that becomes vicious, displays symptoms of severe illness, or demonstrates other behavior that constitutes an immediate threat to the health or safety of the tenancy as a whole, the LACDA may place a provision in tenant leases permitting the LACDA to enter the premises (if necessary), remove the pet, and take such action with respect to the pet as may be permissible under State and local law, which may include placing it in a facility that will provide care and shelter for a period not to exceed 30 days.
- (2) If authorized by the lease agreement, the LACDA shall be permitted to enter the premises and remove the pet or take such other permissible action only if the LACDA requests the pet owner to remove the pet from the project immediately, and the pet owner refuses to do so, or if the project owner is unable to contact the pet owner to make a removal request. The lease may not contain a provision relieving the LACDA from liability for wrongful removal of a pet. The cost of the animal care facility shall be paid as provided in 24 CFR § 5.363.
- (3) The LACDA may place a provision in tenant leases permitting the LACDA the right to enter the premises, remove the pet, and place the pet in a facility that will provide care and shelter, in accordance with the provisions of 24 CFR § 5.363. The lease may not contain a provision relieving from liability for wrongful removal of a pet.

N. PROTECTION OF PETS

The LACDA shall be authorized to take the following action in furtherance of the protection of pets.

- (1) If the health or safety of a pet is threatened by the death or incapacity of the resident/pet owner, or by other factors that render the resident/pet owner unable to care for the pet, the LACDA may contact the responsible party or parties listed in the pet registration required under 24 CFR § 5.350(d)(1)(iii).
- (2) If the responsible party or parties are unwilling or unable to care for the pet, or the LACDA, despite reasonable efforts, has been unable to contact the responsible party or parties, the project owner may contact the appropriate State or local authority (or designated agent of such an authority) and request the removal of the pet.
- (3) If there is no State or local authority (or designated agent of such an authority) authorized to remove a pet under these circumstances and the LACDA has placed a provision in the lease agreement (as described in Sec. 5.360(c)(2)), the LACDA may enter the pet owner's unit, remove the pet, and place the pet in a facility that will provide care and shelter until the resident/pet owner or a representative of the resident/pet owner is able to assume responsibility for the pet, but not longer than 30

days.

- (4) The cost of the animal care facility provided under this section shall be borne by the resident/pet owner. If the resident/pet owner (or the pet owner's estate) is unable or unwilling to pay, the cost of the animal care facility may be paid from the pet deposit, if imposed under the pet rules.



## Chapter 10

### PET POLICY—GENERAL OCCUPANCY SITES

[24 CFR 960.701]

#### INTRODUCTION

This policy sets forth the LACDA's policies and procedures for the ownership and care of common household pets in general occupancy public housing developments owned and or managed by the LACDA. This policy is also intended to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of a pet. It also establishes reasonable rules governing the keeping of common household pets.

Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are used to assist them.

#### A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES

This Pet Policy does **NOT** apply to assistance and service animals or their owners, including payment of a refundable pet deposit. Nothing in this policy or the dwelling lease limits or impairs the right of persons with disabilities to own animals that are used to assist them.

**A service animal** is an animal, any dog, which is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A resident who requests for a service animal does not require a submittal of a reasonable accommodation verification form as delineated in Chapter 1. The LACDA may only ask whether the animal is a service animal required due to a disability, and what tasks the animal has been trained to perform.

1. The LACDA will not require proof of training or certification for a service animal, even if the disability and/or tasks performed are not readily apparent.
2. If the disability and/or tasks performed are not readily apparent, no further inquiries may be made.

**An assistance animal** may include animals other than dogs, which provide emotional support to persons with disabilities when there is a disability-related need for such support. Assistance animals are not required to be trained or certified. Residents who need an assistance animal must follow the reasonable accommodation request procedures delineated in Chapter 1.

In accordance with Section 504 of the Rehabilitation Act and the Fair Housing Act, pet rules will not be applied to animals that assist persons with disabilities except as provided below:

There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation;

There is reliable objective evidence that the animal would cause substantial physical damage to the property of others;

The presence of the assistance animal would pose an undue financial and administrative burden to the provider; or

The presence of the assistance animal would fundamentally alter the nature of the provider's services.

A determination that an animal that assists a person with a disability poses a threat of harm to others or would cause substantial physical damage to the property of others must be based on an individualized assessment that relies on objective evidence about the specific animal's actual conduct.

B. SERVICE AND ASSISTANCE ANIMAL STANDARDS

A service and assistance animal are permitted in all areas of the facility where members of the public are allowed, and including the tenant's unit. Additionally, all lease provisions apply, including maintaining a clean, sanitary unit and ensuring neighbors enjoy the premises in a peaceful, quiet, nonthreatening environment. Refer to Section C through R of the Pet Policy. Breed, size, and weight limitations may not be applied to a service or assistance animal.

C. LACDA APPROVAL OF PETS

All pets must be approved in advance by the LACDA.

Pets must meet the LACDA's pet standards and the tenant and the LACDA must enter into a Pet Agreement.

D. PET STANDARDS

Types of Pets Allowed

No types of pets other than the following may be kept by a resident.

Residents are not permitted to have more than one dog or cat. The maximum number of individual types of a common household pet is set forth below:

1. Dogs

Maximum number: 1

Maximum adult weight: 30 pounds

Must be housebroken

Must be spayed or neutered

Must have all required inoculations

Must be licensed as specified now or in the future by State law and local ordinance

Any litter resulting from the pet must be removed from the unit as soon as the puppies are weaned or are eight weeks of age.

2. Cats

Maximum number: 1

Must be a household cat

Must be spayed or neutered

Must have all required inoculations

Must be trained to use a litter box or other waste receptacle

Must be licensed as specified now or in the future by State law or local ordinance

Any litter resulting from the pet must be removed from the unit as soon as the kittens are weaned or are eight weeks of age.

3. Birds

Maximum number: 3

Must be enclosed in a cage at all times

4. Fish

Maximum aquarium size: 10 gallons

Must be maintained on an approved stand

5. Rodents (rabbit, guinea pig, or hamster ONLY)

Maximum number: 1

Must be enclosed in an acceptable cage at all times

Must have any or all inoculations as specified now or in the future by State law or local

ordinance

The following are NOT “common household pets”:

Domesticated dogs that exceed thirty pounds (Animals certified to assist the disabled are exempt from the weight limitation.)

Vicious or intimidating dogs. Under California law (Food and Agriculture Code Sec. 31603), a “vicious” dog is defined as, but not limited to:

- (a) Any dog seized under Section 599aa of the California Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.5 of the Penal Code.
- (b) Any dog which, when provoked, in an aggressive manner, inflicts severe injury on or kills a human being.
- (c) Any dog previously determined to be and currently listed as a potentially dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in Section 31602 or is maintained in violation of Section 31641, 34642, or 31643.
- (d) Any dog breeds that have been determined to be “potentially dangerous” or “vicious” under California law or local animal control ordinance.

Wild, feral, or any other animals that are not amenable to routine human handling

Any poisonous animals of any kind

Fish in aquariums exceeding ten gallons in capacity

Non-human primates

Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit

Pot-bellied pigs

Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children

Hedgehogs or other animals whose protective instincts and natural body armor produce a risk of serious puncture injuries to children

Chicks, turtles, or other animals that pose a significant risk of salmonella infection to those who handle them

Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans

Snakes or other kinds of reptiles

Any other animal that, due to its size, nature, or disposition, presents a risk to public health or safety or cannot be properly cared for due to its physical needs.

E. INNOCULATION AND REGISTRATION OF PETS [24 CFR § 5.350(d)]

Pets must be registered with the LACDA at least ten (10) days before the pet is brought onto the premises and must submit proof of license and inoculation at least 30 calendar days prior to each annual certification. Pets need to be inoculated in accordance with California State and local law and regulations.

Each pet owner must provide two color photographs of their pet(s) and display a “Pet Here” sticker, provided by the LACDA, which will be displayed on the front door of the unit at all times. Approval for the keeping of a pet shall not be extended pending the completion of these requirements.

Registration must include:

- (a) A certification of inoculation signed by a licensed veterinarian or a State or local authority (or designated agent of such an authority) stating that the pet has received all inoculations required by State or local law.
- (b) Information sufficient to identify the pet and to demonstrate that it is a common household pet, including, a color photograph of their pet(s) and display a “Pet Here” sticker, provided by the LACDA, which will be displayed on the front door of the resident/pet owner’s unit at all times.
- (c) The name, address, and phone number of at least one responsible party who will care for the pet if the owner dies or is unable to provide care.
- (d) The resident/pet owner’s acknowledgement indicating that he or she has read the pet rules and agrees to be bound by them.

Refusal of the LACDA to Register a Pet

The LACDA shall be authorized to refuse to register a pet under the following circumstances:

- (a) If the pet does not meet the definition of a “common household pet” as defined herein.
- (b) If the keeping of the pet would violate any applicable house pet rule.

- (c) If the resident/pet owner fails to provide complete pet registration information or fails annually to update the pet registration.
- (d) The LACDA reasonably determines, based on the resident/pet owner's habits and practices, that the resident/pet owner will be unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament may be considered as a factor in determining the prospective resident/pet owner's ability to comply with the pet rules and other lease obligations.

The LACDA shall provide notice of a decision refusing to register a pet and such notice shall further inform the resident/pet owner of the basis of that decision and of the resident/pet owner's grievance rights. Notice of a decision shall be served in conformance with the requirements of 24 CFR § 5.353(f).

#### F. PET AGREEMENT

Residents who have been approved to have a pet must adhere to the following rules:

- 2. Agree that the resident is responsible and liable for all damages caused by their pet(s).
- 3. No animals may be tethered or chained inside the dwelling unit.
- 4. When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.
- 5. All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge of \$50. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.
- 6. Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge.
- 7. Mandatory implementation of effective flea control by measures that produce no toxic hazard to children who may come into contact with treated animals.
- 8. All complaints of cruelty and all mammalian bites will be referred to animal control of applicable policy agency for investigation and enforcement.
- 9. Deceased pets shall be properly disposed by Los Angeles County Animal Control Services where applicable and shall not be disposed on LACDA property.
- 10. The right of management to enter dwelling unit upon receipt of notice from the

LACDA.

11. The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress or is creating a nuisance.
12. The right of management to seek impoundment and sheltering of any animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and the LACDA accepts no responsibility for pets so removed.
13. That failure to abide by any animal-related requirement or restriction constitutes a violation of the "Resident Obligations" in the resident's Lease Agreement.

G. DESIGNATION OF PET/NO-PET AREAS

The following areas are designated no-pet areas: LACDA playgrounds, management offices, community centers, and recreation center areas.

H. FEES AND DEPOSITS FOR PETS

The resident/pet owner shall be required to pay a refundable deposit of **\$200** per unit for the purpose of defraying all reasonable costs directly attributable to the presence of a pet. The deposit fee shall not apply to birds and fish.

The LACDA will refund the Pet Deposit to the resident, less any damage caused by the pet to the dwelling unit, upon removal of the pet or the owner from the unit.

The LACDA will provide the resident or designee identified above with a written list of any charges against the pet deposit. If the resident disagrees with the amount charged to the pet deposit, the LACDA will provide a meeting to discuss the charges.

All reasonable expenses incurred by the LACDA as a result of damages directly attributable to the presence of the pet in the dwelling unit will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit;

Fumigation of the dwelling unit;

Common areas of the development if applicable.

I. ALTERATIONS TO UNIT

Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited. Single bedroom dwelling units are limited to no more than one pet of any kind.

J. ADDITIONAL REQUIREMENTS

Pet owners must take precautions to eliminate pet odors.

Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

Residents shall not feed stray animals; doing so or keeping stray or unregistered animals will be considered having a pet without permission.

K. PET WASTE REMOVAL CHARGE

A separate pet waste removal charge of \$50 per occurrence will be assessed against the resident for violations of the pet policy.

Pet deposit and pet waste removal charges are not part of rent payable by the resident.

L. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

In the event the resident relocates to non-LACDA owned property (such as privately-owned apartment complex or hotel) at the request of the LACDA to complete emergency repairs to the resident's unit and/or to complete modernization and/or rehabilitation activities, the resident shall have the responsibility for the board and care of their pet during the duration of the resident's relocation to non-LACDA owned property.

M. RESPONSIBLE PARTIES

The resident will provide the following information when registering their pet: Name, address and telephone number of the veterinarian who will be providing regular care for the pet; name of the adult household member who will be primarily responsible for animal care; name and contact information for a household member who will return home in the event an animal experiences distress or causes a disturbance when left alone; contact information for a non-household member who will respond to emergency situations regarding the pet in question.

N. PET RULE VIOLATION NOTICE

If a determination is made on objective facts supported by written statements that a resident/pet owner has violated the Pet Rule Policy, the LACDA will serve a 30-Day Notice to Cure or Quit.



O. NOTICE FOR PET REMOVAL

If the resident/pet owner and the LACDA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the LACDA, the LACDA may serve notice to remove the pet. The Notice shall contain:

A brief statement of the factual basis for the LACDA's determination of the Pet Rule that has been violated; and

A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

P. TERMINATION OF TENANCY

The LACDA may initiate procedure for termination of tenancy based on a pet rule violation if:

The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and

The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

Q. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident/pet owner. Includes pets who are poorly cared for or have been left unattended for over 24 hours.

If the responsible party is unwilling or unable to care for the pet, or if the LACDA after reasonable efforts cannot contact the responsible party, the LACDA may contact the appropriate State or local agency and request the removal of the pet.

R. EMERGENCIES

The LACDA will take all necessary steps to ensure that pets which become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for the LACDA to place the pet in a shelter facility, the cost will be the responsibility of the resident/pet owner.

## Chapter 11

### STANDARDS FOR CONTINUED OCCUPANCY AND RECERTIFICATIONS

[24 CFR 5.613, 24 CFR 5.61524; 24 CFR Part 960, Subpart C]

#### INTRODUCTION

This chapter defines the LACDA's policy for conducting annual re-certifications. It also explains the interim reporting requirements for families, and the standards for continued occupancy.

#### A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

Qualify as a family as defined in this policy;

Are in full compliance and able to abide with all the obligations and responsibilities described in the Lease Agreement;

For family members who have submitted their Social Security numbers (or have certifications on file that they do not have a Social Security number);

For family members who have submitted required citizenship/eligible immigration status/non-contending documents.

Are not subject to sex offender lifetime registration under a State sex offender registration program.

#### B. ANNUAL RECERTIFICATION

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition. Families are required to report and certify this information by completing a Personal Declaration with the LACDA. Additionally, families **must** complete HUD form-92006 "Supplement to Application for Federally Assisted Housing" annually at recertification which updates, removes or changes resident contact and emergency information. All documents provided to the LACDA must be legible.

Effective July 1, 2022, the LACDA will require that families conduct their annual reexaminations online via the LACDA's online portal, referred to as the Yardi Rent Café Portal. For families who have language barriers and/or need assistance in accessing the online system, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online system. For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

### Timing of the Annual Recertification

Families who choose flat rent are to be recertified every three years. For those families that choose to pay the Flat Rent, the amount the family pays is **not locked** in for the three year period. Instead, the LACDA revises the flat rent amount annually based on the findings of the LACDA's rent reasonableness and changes to the SAFMRs. Families currently paying the flat rent amount will be offered the choice between the updated flat rent amount, and the previously calculated income-based rent.

For families who move in on the first of the month, the annual re-certifications will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual recertification will be conducted to be effective on August 1, the following year).

For families who move after the first of the month, the annual recertification will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families transfer to another unit or property (i.e., IPT/OPT transfer), the LACDA will require the family to update their income and family composition and a new Lease Agreement shall be executed, but **under no circumstances** shall the annual recertification take place later than twelve months from the last anniversary date.

### Lease Anniversary Date and the Annual Recertification

In order to have consistency between the Lease Anniversary and the Annual Recertification, the LACDA will adhere to the following:

Upon move-in, the date the resident and the LACDA execute the Lease Agreement will be the same effective date as the HUD Form 50058 (for example, the resident signs the Lease Agreement on November 1st, which will be the same date on the 50058 effective date).

The terms of the Lease Agreement, as stated previously, will be for a 12-month period (i.e., November 1st through October 31st of the following year) and the 50058 will be completed to coincide with the anniversary date (for Lease Agreements executed on the first of the month).

However, for Lease Agreements executed after the 1<sup>st</sup> of the month (i.e., November 15<sup>th</sup>), the recertification date for the following year will take place on the first of the month in which the family moved in (i.e., November 1<sup>st</sup> of the following year).

### Recertification Notice to the Family

All families will be notified in writing of their obligation to recertify annually. The notification shall be provided at least 120 calendar days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the LACDA will provide the notice in an accessible format. The LACDA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon

verification that they meet the need presented by the disability.

Effective July 01, 2020, the LACDA will no longer execute a lease renewal agreement, unless there is a change in family composition, change in location of rent unit, or change in lease agreement terms. The LACDA will serve the family the Annual Notice of Change to Public Housing Lease Agreement (“Addendum”). The Addendum will also reference the last effective date of the most current signed lease.

### Persons with Disabilities

Persons with disabilities, who are unable to come to the LACDA’s office will be granted an accommodation of conducting the interview at the person’s home/by mail/hospital, upon verification that the accommodation requested meets the need presented by the disability.

### Requirements to Attend

The LACDA may conduct an oral, personal, or virtual annual reexamination interview. All adult family members may be required to attend the recertification interview.

If the head of household is unable to attend the interview, the appointment will be rescheduled.

### Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to five (5) calendar days prior to the interview.

If the family does not appear for the recertification interview and has not rescheduled or made prior arrangements with the LACDA, the LACDA will reschedule a second appointment.

Exceptions to these policies may be made by the Property Manager if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

### Documents Required from the Family

The LACDA will include instructions in the Annual Reexamination packet for the family to provide the following, but not limited to:

- Documentation of income for all family members

- Documentation of liquid and non-liquid assets

- Documentation to substantiate any deductions or allowances

Annual Reexamination packet must be completed and signed by all adult family members  
HUD form-92006 to update, remove or change the contact information

### Verification of Information

All information which affects the family's continued eligibility for the program, and the family's TTP will be verified in accordance with the verification procedures and guidelines described in this ACOP. Verifications used for recertification **must** be 60 days from the request. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

The continued eligibility of the resident as a *family* or as the *remaining member* of a family;

The unit size required by the family;

The amount of rent the family should pay.

### Changes in the Tenant Rent

If there is any change in rent, including change in family's choice in rent, an Annual Notice of Change to Public Housing Lease Agreement will be issued [24 CFR 966.4(c)].

### Tenant Rent Increases

If the tenant rent increases, a 30-day notice (*i.e.*, Annual Notice of Change to Public Housing Lease Agreement) will be mailed to the family and the rent increase will be effective on their anniversary date.

If less than 30 days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the second month following the thirty-day (*i.e.*, Annual Notice of Change to Public Housing Lease Agreement) notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the recertification processing, there will be a retroactive increase in rent to the anniversary date.

### Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the recertification is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the recertification processing by the LACDA.

### C. REPORTING INTERIM CHANGES

Families have an obligation to **report to management within ten (10) calendar days of its occurrence** if there is an additional source of income for any eligible family member and/or change in income or the addition of a family member to the household at any time during their tenancy, including between annual re-certifications. This includes loss or addition of one or more family members through death, divorce, birth, adoption, court-awarded custody and/or where a social service agency (i.e. DPSS, DCFS, etc.) has approved the addition of a minor child to the household. The family must obtain LACDA approval prior to all other additions to the household. An interim recertification will always be conducted under the following circumstances: If a new source of income occurs; there is an increase in existing income of \$200/month or more; change in allowable deductions occurs (i.e., childcare, disability, citizenship eligible immigration status and full-time student status), including anticipated out of pocket (not reimbursed) medical expenses and/or auxiliary expenses. All income for a new family member will be counted and used to calculate the family's TTP.

Failure to disclose the aforementioned information is a material breach of the Lease Agreement. If the Resident or a member of his/her household misrepresents facts, omits any pertinent information, or fails to inform Management of information it requires for an annual reexamination or interim rent adjustment and these failures result in a lower rent than should have been charged, Management, in its sole discretion, may terminate the Lease for a material breach and/or make the rent increase retroactive to the date it would have been effective.

An interim recertification will be scheduled for families with zero income every 90 days. Additionally, the LACDA, at its discretion, can also schedule reviews in between regularly scheduled reviews to determine if an interim recertification is required.

If, during the course of an interim reexamination conducted for a reported decrease in income, it is discovered that a family member is no longer eligible for an allowance (i.e. a minor has turned 18 and is no longer a full-time student), LACDA staff will determine how the loss of allowance will affect the TTP. If the loss of allowance results in an increase to the TTP, even though the family's income has decreased, the LACDA will not complete the interim reexamination unless requested by the family to do so.

If, during the course of an interim reexamination conducted for a reported change in family composition, it is discovered that a family member is no longer eligible for an allowance, the LACDA will continue to process the interim reexamination regardless of the effect on the TTP.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the LACDA of the family member being added to the lease.

### D. INTERIM RECERTIFICATION POLICY

An interim recertification will be scheduled for **families with zero income every 90 days**; including interims for income decreases and increases and changes in family composition. Interims

will also be conducted for families on **EID** or on the Family Self-Sufficiency (**FSS**) program.

### **Increases in Income and Rent Adjustments**

Families are required to report in writing current and accurate information on income, assets, allowances and deductions, and family composition changes, ten (10) days from the occurrence. Effective July 01, 2021, interim recertification will always be conducted under the following circumstances: If a new source of income occurs; there is an increase in existing income of \$200/month or more; change in allowable deductions occurs (i.e., childcare, disability, citizenship eligible immigration status and full-time student status), including anticipated out of pocket (not reimbursed) medical expenses and/or auxiliary expenses.

All income for a new family member will be counted and used to calculate the family's TTP. If this information results in an increase in tenant rent, the family will be given a 30-day notice ("Notice of Rent Adjustment") before the new rent amount is effective.

For families that have a temporary loss of income (less than 90 days), an interim will be conducted to reduce the TTP amount and a subsequent interim will be conducted once the income resumes. This does not apply to seasonal employees.
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### **Decreases in Income and Rent Adjustments**

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions, which would reduce the amount of the TTP.

The LACDA will initiate third-party verification of the decrease in income no later than five (5) calendar days after the resident reports the change to the LACDA. The LACDA will process a rent adjustment to be effective on the first day of the calendar month following the month in which the change in circumstances is reported. If the reduction in income is reported after the LACDA's cut-off date for the following months' rent set-up, Management will charge the resident the former, higher rent, subject to a credit when the circumstances of reduction are verified.

### **Interim Reexamination for Seasonal Employees**

For seasonal employees, the LACDA calculates the actual anticipated income from all known sources for the entire year. For these residents there will be no interim reexamination when the income changes as it is already anticipated.

A seasonal employee will work less than 12 months per year. For example: school employees, agricultural workers, or construction trades may typically work for fewer months in a 12 month period.
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### **No Action**

The LACDA will not process an interim reexamination if the family reports a loss of welfare benefits due to fraud, failure to participate in economic self-sufficiency programs, or

noncompliance with a work activities requirement.

### **Social Security Overpayments**

If the family has experienced a decrease in Social Security or SSI income due to an overpayment, the LACDA will calculate income based on the net amount only for the specific period of the decrease. Once the overpayment period is over, the LACDA will process an interim reexamination using the gross amount of Social Security or SSI.

### **E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS**

The LACDA will not reduce the public housing rent for families whose welfare assistance is reduced due to a “specified welfare benefit reduction,” which is a reduction in welfare benefits due to:

Fraud by a family member in connection with the welfare program; or

Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

A “specified welfare benefit reduction” does not include a reduction of welfare benefits due to:

The expiration of a lifetime time limit on receiving benefits; or

A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as:

The family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Noncompliance with other welfare agency requirements.

### **Definition of “Covered Family”**

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

### **Definition of “Imputed Welfare Income”**

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family’s income for purposes of determining rent.

The amount of imputed welfare income is determined by the LACDA, based on written



information supplied to the LACDA by the welfare agency, including:

The amount of the benefit reduction

The term of the benefit reduction

The reason for the reduction

Subsequent changes in the term or amount of benefit reduction

Imputed welfare income will be included at annual and interim recertifications during the term of reduction of welfare benefits.

The amount of imputed welfare income will be offset by the amount of additional income a family receives that begins after the sanction was imposed. When additional income is at least equal to the imputed welfare income, the imputed income will be reduced to zero.

If the family was not an assisted resident of public housing when the welfare sanction began, imputed welfare income will not be included in annual income.

#### Verification Before Denying a Request to Reduce Rent

The LACDA 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.

The LACDA will rely on the welfare agency's written notice to the LACDA regarding welfare sanctions.

#### Cooperation Agreements

The LACDA has a written cooperation agreement in place with the local welfare agency which assists the LACDA in obtaining the necessary information regarding welfare sanctions.

The LACDA has taken a proactive approach to culminating an effective working relationship between the LACDA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

The LACDA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

#### Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and the LACDA denies the family's request to modify the amount, the LACDA will provide the resident with a notice of denial, which will include:

An explanation for the LACDA's determination of the amount of imputed welfare income.

A statement that the resident may request a grievance hearing.

If the resident requests a grievance hearing, the resident is not required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income.

### LACDA Errors

If the LACDA makes a calculation error at admission to the program or at an annual recertification, an interim recertification will be conducted to correct the error. If the family had been undercharged as a result of the calculation error, the family will **not** be charged retroactively. If the family had been overcharged as a result of the calculation error, the family will receive a rent credit retroactively.

### F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

#### Standard for Timely Reporting of Changes for Reexaminations and Interims

The LACDA requires that families report any changes, such as change in family composition, to the LACDA within ten (10) calendar days of when the change occurs. Any information, document or signature needed from the family needed to verify the change must be provided within three (3) calendar days of the reported change.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, (in the time period requested by the LACDA), it will be considered untimely reporting.

#### Procedures When the Change Is Reported in a Timely Manner

The LACDA will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

Increases in the Tenant Rent is effective on the first day of the second calendar month following the month in which the change in circumstance occurred with at least thirty days' notice to the family. It is the LACDA's policy to process interim increases in Tenant Rent between regular annual re-certifications if a new source of income occurs and if there is an increase in existing income of \$200/month or more, change in allowable deductions occurs (i.e., childcare, disability, citizenship eligible immigration status and full-time student status), including anticipated out of pocket (not reimbursed) medical expenses and/or auxiliary expenses.

Decreases in the Tenant Rent are effective the first of the month following the month in

which the change is reported.

#### Procedures When the Change Is **Not** Reported by the Tenant in a Timely Manner

If the family does **not** report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim or annual recertification processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date the increase in income became effective. The family will be liable for any underpaid rent and may be required to sign a Repayment Agreement. The Repayment Agreement will require that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be paid in equal payments over a period of time not to exceed 12 months for amounts under \$2400 or 24 months for any amount in excess of \$2400.

Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the LACDA and **not** retroactively.

#### Procedures When the Change Is Not Processed by the LACDA in a Timely Manner

“Processed in a timely manner” means that the change goes into effect on the date it should when the family reports the change and provides all information, documents and signatures in a timely manner. If the change cannot be made effective on that date, the change is not processed by the LACDA in a timely manner.

Therefore, an increase will be effective after the required thirty days’ notice prior to the first of the month after completion of processing by the LACDA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

#### G. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by the LACDA. The family must inform the LACDA and request approval of additional family members other than additions due to birth, adoption, foster adults, court-awarded custody and/or of a minor approved by a social service agency (i.e. DPSS, DCFS, etc.) before the new member occupies the unit.

All changes in family composition, including additions due to birth, adoption, foster adult, court-awarded custody of a minor approved by a social service agency, **must** be reported within ten (10) calendar days of the occurrence in writing. If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household [or spouse] that the member (who may be the head of household) removed is permanently absent.

HUD approved the designation of the housing developments listed below as Elderly-Only on August 27, 2013. If a resident living at an Elderly-Only housing development requests to add a

new household member to their Lease after August 27, 2013, the new household member must be 62 years or older.

### **Elderly-Only Housing Developments**

Carmelitos

Nueva Maravilla “Rosas”

West Knoll  
Palm

Marina Manor I

Marina Manor II

Orchard Arms

Foothill Villa

Francisquito Villa

Whittier Manor

Herbert Avenue

Southbay Gardens

### **Increase in Family Size**

The LACDA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

Addition by marriage/or marital-type relation and the minor children of that person

Addition of a minor child of the head of household, co-head, spouse or marital-type partner who had been living elsewhere

Addition of a LACDA-approved live-in aide

Addition of an adult child due to recent discharge from the military

Addition of a disabled adult parent or child of the head of household/co-head who requires disability-required care

Addition due to birth, adoption, foster adults, court-awarded custody and/or of a minor

approved by a social service agency

If addition(s) to the family require a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

#### Definition of Temporarily/Permanently Absent

The LACDA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse/ marital-type partner is temporarily absent and, in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The LACDA will evaluate absences from the unit in accordance with this policy.

#### Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the LACDA will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.

Families are required to notify the LACDA before they move out of a unit in accordance with the lease and to give the LACDA information about any family absence from the unit.

“Absence” means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the LACDA may:

Conduct a home visit

Write letters to the family at the unit

Post letters on exterior door

Telephone the family at the unit

Interview neighbors

Verify if utilities are in service

Check with Post Office for forwarding address

### Contact emergency contact

If the entire family is absent from the unit for more than 30 consecutive days, whether or not rent has been paid, the unit will be considered to be abandoned and the LACDA will terminate the Lease Agreement.

As a reasonable accommodation for a person with a disability, the LACDA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

### Absence of Any Member

Any member of the household will be considered permanently absent and removed from the lease if s/he is away from the unit for **90 days** in a 12-month period except as otherwise provided in this chapter.

The LACDA, at its discretion, may initiate a transfer of the remaining household members to an appropriately sized unit in accordance with the Occupancy standards (see Chapter 4).

### 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 LACDA 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 120 consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remains current. A resident may request a reasonable accommodation to have a longer absence approved. The LACDA has full discretion of approval and will make determinations on a case by case basis.

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 LACDA's "Absence of Entire Family" policy.

### Absence Due to Incarceration

If the sole member is incarcerated for more than 90 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 90 consecutive days. The rent and other charges must remain current during this period.

### Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the LACDA 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 180 days from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the LACDA's occupancy guidelines.

#### H. REMAINING MINOR MEMBER OF RESIDENT FAMILY—RETENTION OF UNIT

If neither parent remains in the household, nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LACDA will treat that adult as a visitor for the first 90 calendar days. This will be noted as an exception to the LACDA's Visitor Policy.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the LACDA will secure verification from social services staff or the attorney as to the status.

The LACDA will transfer the lease to the caretaker, in the absence of a court order, if the caretaker qualifies under the Tenant Suitability criteria and has been in the unit for more than 90 days and it is reasonable to expect that custody will be granted.

When the LACDA approves a person to reside in the unit as caretaker for the child(ren), the income of the caretaker should be counted pending a final disposition. The LACDA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 90 days, the person will be considered permanently absent.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household.

A minor, who was part of the household, can also qualify as a "remaining member of the resident family". A minor will be authorized to remain in the unit by establishing emancipation or by adding another adult, who has been determined eligible and suitable by the LACDA, to the Lease. The added adult will become the new head of household. When such situations arise, the LACDA will work with the minor's advocate, which may be another adult relative or DCFS caseworker, to determine the appropriate course of action and time necessary for the minor to meet one of the two criteria to remain in the unit.

## I. REMAINING ADULT MEMBER OF RESIDENT FAMILY—RETENTION OF UNIT

Under certain circumstances, an existing member of a household has the right to remain in the unit following the death or departure of the head of household to non-subsidized housing. This section is not intended to apply to circumstances where the household is the subject of a pending eviction, lease enforcement action or where the household is not in good standing. For purposes of this section, an existing member of the household may be considered a “remaining member of the resident family” under the following circumstances:

(a) To be considered the “remaining member of the resident family”, the person must be an adult previously approved by the LACDA to be living in the unit and must have signed the lease in his or her capacity as an adult occupant. Prior to being approved as a “remaining member of the resident family”, the person must successfully undergo criminal screening and be deemed eligible and suitable under Chapter 2 of the ACOP.

A live-in aide or a caregiver, by definition, are **not** members of the household and will **not** be considered a “remaining member of the resident family”.

A reduction in family size shall require a transfer to an appropriate unit size per the Occupancy Standards.

The LACDA shall grant exceptions from the occupancy standards if the family requests and the LACDA determines the exceptions are justified according to this policy.

The LACDA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested (Refer to chapter on Occupancy Standards).

## J. CONTINUANCE OF ASSISTANCE FOR “MIXED” FAMILIES

Under the Non-Citizens Rule, “mixed” families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

“Mixed” families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

The head of household, co-head or spouse/marital-type partner is a U.S. citizen or has eligible immigrant status; AND

The family does not include any ineligible immigrants other than the head of household, spouse/marital-type partner or parents or children of the head, co-head or spouse/marital-type partner.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.



If the mixed families do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance (See chapter titled “Factors Related to Total Tenant Payment Determination”). The LACDA may no longer offer temporary deferral of termination (see chapter on Lease Terminations).

## Chapter 12

### LEASE TERMINATIONS

[24 CFR 966.4]

#### INTRODUCTION

The LACDA may terminate tenancy for a family based on the resident's action(s) or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)(2)], and the terms of the Public Housing Lease Agreement. This chapter describes the LACDA's policies for notification of lease termination and provisions of the Lease Agreement.

#### A. TERMINATION BY RESIDENT

The resident may terminate their Lease Agreement by providing the LACDA with a **written 30-day advance notice** as defined in the Lease Agreement. The LACDA in its sole discretion, may reinstate the tenancy of a family within 120 days after move-out. The resident must have been in good standing with the LACDA. Good standing means the resident has demonstrated prompt rent paying habits; the resident has demonstrated and maintained adequate housekeeping standards; the resident has a good overall record since living in public housing. Once the LACDA has approved the former resident's request for re-instatement, the LACDA will conduct an annual re-exam and enter into a new Lease Agreement with the family. If there is no appropriately sized unit for the household based on the LACDA's occupancy standards, the household must wait until a unit becomes available.

#### B. TERMINATION BY LACDA

The lease may be terminated at any time by the LACDA who shall give written notice for serious or repeated violation of the terms of the lease, such as, but not limited to:

Nonpayment of rent or other charges due under the Lease, or chronic late payment of rent (3 times in a 12-month period is considered chronic)

Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Re-certifications

Assignment or subleasing of the premises or providing accommodation for boarders or lodgers

Use of the premises for purposes other than solely as a dwelling unit for the Resident and Resident's household as identified in this Lease, except as approved by the LACDA for a home-based occupation

Failure to abide by reasonable rules made by the LACDA for the benefit and well-being of the housing development and the Residents

Failure to abide by applicable building and housing codes materially affecting health or safety

Failure to dispose of garbage waste and rubbish in a safe and sanitary manner

Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner

Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts

Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, development buildings, facilities, equipment, or common areas

Sex offender lifetime registrants

Being subject to sex offender lifetime registration under a State sex offender registration program will be grounds for eviction.

#### Criminal activity

Residents must refrain from and ensure that household members and guests refrain from engaging in drug-related and/or violent criminal activity on or off the housing development premises. Violent criminal activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage. The illegal manufacture, sale, distribution or use of, or possession with the intent to manufacture, sell, distribute or use, a controlled substance constitutes a drug-related criminal activity. Residents on or off the housing development premises and having a controlled substance in his/her system are in violation of the lease. Committing of any of the above acts is a material breach of the lease and may result in termination of tenancy on three days' notice. \*\* Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects a tenant to the termination of tenancy.

Alcohol abuse that the LACDA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

#### Non-compliance with Non-Citizen Requirements

No remaining family member in the household is a U.S. Citizen or an eligible immigrant

Physically or verbally abusive behavior toward residents and/or LACDA staff

Non-compliance with the Non-Smoking Policy as set forth in the Public Housing Non-Smoking Lease Addendum

Non-compliance with a Social Services Compliance Addendum to the Los Angeles County

Development Authority Public Housing Lease Agreement

Other good cause

### **Over Income Limit Households**

If a household has an income that is over 120 percent of the Area Median Income (AMI) for the most recent two (2) consecutive years, the LACDA will terminate the family's tenancy within 6 months. The over-income policy will exclude evicting families receiving EID and families participating in the Family Self-Sufficiency (FSS) Program. An over income limit determination for a household will begin when the LACDA becomes aware, through either an annual reexamination or an interim reexamination for an increase if requested by the household, that a family's income exceeds the applicable over income limit. The LACDA shall notify the tenant that their household is over income upon the initial determination. If the family's income continues to exceed the over-income limit, the LACDA shall provide a second written notification to the family that their income has exceeded the over-income limit for one (1) year, and that if the family's income continues to exceed over-income limit for the next 12 consecutive months, the family will be terminated within 6 months. A final third notification will be sent when the family has exceeded the applicable over income limit for 24 consecutive months. The household will be terminated within 6 months of the third notification.

If the LACDA determines through an annual or interim reexamination that a previously over-income family has income that now is below the over-income limit, the family is no longer subject to the over-income limit policy. If the family becomes over-income again, they are entitled to a new 2-year grace period.

### **C. NOTIFICATION REQUIREMENTS**

The LACDA's written notice of lease termination will state the reason for the proposed termination, the date of termination, and the rights and protections afforded the resident by the regulations and this policy. (See chapter on Grievances and Hearings.)

Notices of lease termination shall be in writing and delivered to resident or adult member of the household or posted on the unit; and in all cases sent by first class mail addressed to the resident at the unit.

## Timing of the Notice

If the LACDA terminates the lease, written notice will be given as follows:

Fourteen (14) calendar days in the case of failure to pay rent; time period excludes Saturday, Sundays and judicial holidays (Code of Civil Procedure section 1161);

Three (3) calendar days for drug-related criminal activity, or criminal activity when the health or safety of other residents or LACDA employees is threatened;

Thirty (30) calendar days to Quit. Thirty (30) Day notices to Cure or Quit, time period excludes Saturday, Sundays and judicial holidays (Code of Civil Procedure section 1161).

Following the eviction for drug-related criminal activity, the LACDA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for drug-related criminal activity.

### D. CRIMINAL ACTIVITY

The LACDA shall terminate the lease if any family member is convicted of manufacturing or producing methamphetamine on the premises of the housing development in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The LACDA may terminate the lease in cases where the LACDA determines there is reasonable cause to believe that a family member, or a guest of a family member, is illegally using a controlled substance or engages in drug-related criminal or violent criminal activity. The same will apply if it is determined that a family member, or a guest of a family member, abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the LACDA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

The LACDA will consider the use of a controlled substance or alcohol to be a "pattern" if there is three or more incidents in the previous 12-month period.

"Engages in" drug related criminal or violent criminal activity means any act by a family member, or guest of a family member, which involved drug-related criminal or violent criminal activity which may or may not have resulted in the arrest and/or conviction of the family member, or guest of a family member. \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects a tenant to the termination of tenancy.

In evaluating whether to terminate the lease, the LACDA will give fair consideration to the

seriousness of the activity, and/or likelihood of favorable conduct in the future (including evidence of rehabilitation).

The LACDA will also consider whether:

The person demonstrates successful completion of a credible rehabilitation program approved by the LACDA, and is willing to continue in a supportive program approved by the LACDA; or

The individual involved in drug-related criminal activity is no longer in the household due to incarceration.

If the LACDA determines not to terminate the lease, and permit continued occupancy, the LACDA may require the family accept imposed conditions such as that the involved family member(s) does not reside in or visit the unit. The LACDA will consider evidence that the person is no longer in the household such as a divorce decree/incarceration/ death/ copy of a new lease for the person including the owner's telephone number and address/ or other substantiating evidence.

### **Anti-Hate Crime**

In accordance with California Penal Code Section 422.6, the LACDA shall terminate the lease if any family member engage in a Hate Crime in violation of California Penal Code 422.6 which includes but is not limited to the use of force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in whole or in part because of that person's race or ethnicity, disability, gender, nationality, religion, sexual orientation or association with a person or group with one or more of these actual or perceived characteristics and knowingly deface, damage, or destroy the real or personal property of any other person for in whole or in part because of that person's race or ethnicity, disability, gender, nationality, religion, sexual orientation or association with a person or group with one or more of these actual or perceived characteristics.

### **Data Compliance System**

The LACDA uses the Data Compliance System (DCS) which automatically provides publicly available arrest data from Los Angeles County enforcement agencies. The LACDA will verify the information collected on its residents and will take appropriate action related to program violations.

### **E. NON-SMOKING**

The LACDA strictly prohibits smoking on all our properties except at the South Bay Gardens senior housing development located at 230 E. 130th Street, Los Angeles CA 90061. The term "smoking" means inhaling, exhaling, breathing, or carrying or possessing any lighted cigarette, cigar, pipe, hookah or other prohibited tobacco, marijuana or similar lighted product in any manner or in any form. Additionally, "smoking" also includes but is not limited to the use of an electronic cigarette (e-cig or e-cigarette), a personal vaporizer (PV) or an electronic nicotine delivery system (ENDS).

The smoke free policy applies to all residents, guests, visitors, vendors and staff. At South Bay Gardens, smoking is only permitted in one specified open area that is located at least 25 feet away from a LACDA building and is clearly labeled as a “Smoking Designated Area”.

The LACDA may terminate the Lease for a material or continuing breach of the Public Housing Non-Smoking Lease Addendum. Additionally, Residents are financially responsible for the mitigation of any damages caused by smoking in their unit or caused by smoking in non-smoking areas on the LACDA’s premises. Residents shall pay for these damages as set forth in the Lease as “Other Charges”. Costs may include but are not limited to cleaning, sealing, painting, deodorizing, duct cleaning, and possible replacement of fixtures and various surface materials.

The LACDA would like to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance and cleaning costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building.

Residents, members of the Resident's household or their guests/visitors are strictly prohibited to smoke on the premises occupied by the Resident and members of the Resident's household in any common areas, including but not limited to; community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, playground areas, entry ways, porches, balconies and patios. Smoking is strictly prohibited on all of the LACDA’s properties, except for the designated smoking area at the South Bay Gardens housing development, including individual units, common areas, every building and adjoining grounds. A Resident, members of the Resident's household or their guests/visitors shall not smoke anywhere in Non-Smoking Areas. The Resident may not permit any guests or visitors under the control of the Resident to smoke in Non-Smoking Areas.

### **Resident to Promote Non-Smoking Policy and to Alert the LACDA of Violations**

Residents shall inform Resident's guests or visitors of the non-smoking policy. Residents are also encouraged to promptly submit to Management a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's unit.

### **Vendors and LACDA Staff**

Vendors and LACDA staff on LACDA premises **must** also adhere to the non-smoking policies delineated in this chapter.

### **Promotion of Non-Smoking Policy**

Management shall post no-smoking signs at entrances and exits, in common areas, and in conspicuous locations adjoining the grounds of Non-Smoking Areas.

## **The LACDA Not a Guarantor of Smoke-Free Environment**

The LACDA's adoption of a non-smoking living environment does not make the LACDA the guarantor of the Resident's, members of the Resident's household or their guests/visitors health or of the non-smoking condition of the Resident's unit and common areas. However, the LACDA shall take reasonable steps to enforce the non-smoking terms as set forth in the Lease Addendum and ACOP and to make the Non-Smoking Area as smoke-free as is reasonably possible. The LACDA is not required to take steps in response to smoking unless the LACDA is aware of said smoking or has been given written notice of said smoking.

### **LACDA Disclaimer**

The LACDA's adoption of a non-smoking living environment does not in any way change the standard of care that the LACDA would provide to a resident household to render buildings and premises designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. The LACDA specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. The LACDA cannot and does not warrant or assert that the rental premises or common areas will be free from secondhand smoke. The LACDA's ability to police, monitor, or enforce the agreements of the Lease Addendum is dependent in significant part on voluntary compliance by the Resident and Resident's guests/visitors. Residents and Resident's guests/visitors with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the LACDA does not assume any higher duty of care to enforce the Public Housing Non-Smoking Lease Addendum than any other LACDA obligation under the Lease.

### **F. PEST CONTROL**

"Bedbugs" or "pests" mean any insect of the genus cimex including but not limited to cimex lectularius, and/or its eggs. "Pests" also include but is not limited to roaches, termites and spiders. The following information and acknowledgements are provided to the Resident through the "Public Housing Pest Control Lease Addendum":

At move-in and at each recertification, the Resident is provided with bedbug education materials. New move-ins are required to disclose one of the following on the "Public Housing Pest Control Lease Agreement Addendum":

1. Resident is not aware of any infestation of bedbugs in your current or previous apartment, home or dwelling. Resident agrees that he/she is not aware of any bedbug infestation or presence in any of his/her furniture, clothing, personal property or possessions. Resident further agrees that he/she has not been subjected to conditions in which there were any bedbug infestations or presence of bedbugs.
2. Resident agrees that if he/she previously lived anywhere that had a bedbug infestation that all of his/her personal property (including furniture, clothing and other belongings) have been treated by a licensed pest control professional.



Resident agrees that such items are free of further infestation.

**Per California Civil Code §1954.603, the bed bug information below is included in the Public Housing Pest Control Lease Addendum:**

**Bed bug Appearance:** Bed bugs have six legs. Adult bed bugs have flat bodies about  $\frac{1}{4}$  of an inch in length. Their color can vary from red and brown to copper colored. Young bed bugs are very small. Their bodies are about  $\frac{1}{16}$  of an inch in length. They have almost no color. When a bed bug feeds, its body swells, may lengthen, and becomes bright red, sometimes making it appear to be a different insect. Bed bugs do not fly. They can either crawl or be carried from place to place on objects, people, or animals. Bed bugs can be hard to find and identify because they are tiny and try to stay hidden.

**Life Cycle and Reproduction:** An average bed bug lives for about 10 months. Female bed bugs lay one to five eggs per day. Bed bugs grow to full adulthood in about 21 days. Bed bugs can survive for months without feeding.

**Bed Bug Bites:** Because bed bugs usually feed at night, most people are bitten in their sleep and do not realize they were bitten. A person's reaction to insect bites is an immune response and so varies from person to person. Sometimes the red welts caused by the bites will not be noticed until many days after a person was bitten, if at all.

**Common Signs and Symptoms of a Possible Bed Bug Infestation:**

- Small red to reddish brown fecal spots on mattresses, box springs, bed frames, mattresses, linens, upholstery, or walls.
- Molted bed bug skins, white, sticky eggs, or empty eggshells.
- Very heavily infested areas may have a characteristically sweet odor.
- Red, itchy bite marks, especially on the legs, arms, and other body parts exposed while sleeping. However, some people do not show bed bug lesions on their bodies even though bed bugs may have fed on them.

For more information, see the Internet Web sites of the United States Environmental Protection Agency at [www.epa.gov](http://www.epa.gov) and the National Pest Management Association at [www.npmapestworld.org](http://www.npmapestworld.org).

**The Resident is required to sign the “Public Housing Pest Control Lease Agreement Addendum” which further acknowledges, requires and discloses the following:**

If the Resident fails to report any pest infestation with their unit within seven (7) calendar days of move-in, it shall be an acknowledgement by Resident that the premises are acceptable, in good condition and pest free. After move-in, the LACDA will take immediate steps to address any identified pest infestation problem. Resident acknowledges that time is of the essence in dealing with issues of potential pest infestation. Because of the need for prompt action to avoid any further infestation, Resident shall report during business hours any actual or suspected infestation within forty-eight (48) hours of discovery to the management office.

In the event that bedbugs or other pests are located within the unit, the LACDA shall treat the premises for bedbugs or other pests in a timely manner and at the LACDA's expense.

If a bedbug or pest control treatment is scheduled and the Resident is not prepared for treatment as delineated in bedbug or pest control instructions distributed prior to the service, the Resident will be charged \$50. Exceptions may be made due to verified Americans with Disability Act (ADA), medical or other emergency situations.

The Resident is informed that used or second-hand furniture is the primary method in which bedbugs are spread. Resident agrees that he/she will not knowingly or recklessly bring onto the property furniture or other belongings that are infested with bedbugs or other pests. Resident further agrees to exercise caution when acquiring used or second-hand furniture and shall examine any such items thoroughly before bringing them into their unit. Resident further agrees that Resident shall not bring into the dwelling used or second-hand furniture items that have been abandoned or discarded in such areas as roadsides, trash rooms, and disposal receptacles.

In the event that there is a bedbug or pest infestation in the Resident's unit, the Resident agrees to cooperate fully with and to undertake all efforts and tasks required by the LACDA, and in the LACDA's sole discretion, or by the LACDA's pest control company, employed to eradicate pests. The Resident's full cooperation includes but is not limited to reporting during business hours any suspected pest infestation to the management office within forty-eight (48) hours of discovery, making the premises available for entry to complete pest inspection and eradication treatment(s), completing all required pre-treatment activities, evacuating the premises during and after treatment for the required timeframe, completing all required post-treatment activities, and immediately reporting ineffective treatment or re-infestations to the management office.

Resident also acknowledges that any violation of this Public Housing Pest Control Lease Addendum constitutes a material violation of the Lease and is grounds for termination of the Lease by the LACDA. Conduct that constitutes a material violation of the Lease includes failure to promptly notify the management office of evidence of any pest infestation, any action that prevents treatment of the unit or potentially exasperates or increases the bedbug issue, refusal to permit Management to enter to inspect for infestation or to perform eradication treatments, and failure to complete all required pre-treatment and post treatment activities, including a failure to report ineffective treatment or re-infestations. Proof of the violation of the Public Housing Pest Control Lease Addendum shall be by a preponderance of the evidence.

Resident may request reasonable extermination services at any time. Upon notification from Resident, within twenty-four (24) hours of the report, Management shall provide Resident with information about control and prevention of bedbugs or pests and will discuss measures that Resident may be able to take in the unit before the inspection is performed. Management will conduct an inspection of the unit within three (3) business days if possible, for bedbug infestations. If an inspection cannot be conducted within three (3) business days by trained staff or a licensed professional, Management will retain documentation of efforts made. Should a pest infestation be identified through the inspection, Management shall contact the Resident and schedule treatment within ten (10) calendar days for regular pests and five (5) calendar days for bedbugs, except for resident caused delays or lack of vendor availability. When Management requires access to a unit

for purposes of inspecting for the presence of a household pest or controlling the presence of a household pest, Management shall provide at least forty-eight (48) hours' notice to Resident, that Management requires access. Management will notify Resident in advance of each pest inspection, including providing a preparation sheet. If Resident notifies Management of a possible infestation and requests extermination services, the notice from Resident constitutes permission to enter the dwelling unit for the purpose of acting on the inspection or extermination request.

Except in those situations where the LACDA has been grossly negligent, and/or as provided by law, Owner, Management, and its employees, are not liable to Resident for any damages caused by pests, including but not limited to, personal expenses, replacement of furniture, and/or other personal items, including clothing, medications or medical expenses, or for the costs to treat, clean, replace and/or protect the Resident's personal belongings. Owner, Management, and its employees are not responsible for any damage done to Resident's unit or personal items during pest control inspections and/or treatment(s).

The Resident acknowledges that the LACDA's adoption of the Public Housing Pest Control Lease Addendum, and the efforts to provide a pest free environment, does not in any way change the standard of care that the LACDA owes the Resident under the Lease. Resident further acknowledges that the LACDA does not guarantee or warranty a pest-free environment. Resident acknowledges and understands that the LACDA's ability to police, monitor, or enforce the agreements of the Public Housing Pest Control Lease Addendum is dependent in significant part on voluntary cooperation and compliance by the Resident and Resident's guests/visitors.

The LACDA will attempt to make reasonable accommodations in the event that any the Resident requests an accommodation in connection with pest control service. Any Resident requesting such an accommodation is requested to provide notice to Management at the time the pest control is requested or when Resident receives notice that it will be provided, whichever is earlier. The LACDA will provide the Resident with the ADA paperwork to complete and submit to the management office as delineated in Chapter 1. Resident understands that in some circumstances, because of the nature of a particular pest or infestation, there may not be an alternative, effective means of eradication, and in those circumstances, the LACDA may use the eradication services that are effective in dealing with the infestation.

#### G. V A W A

An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, that is engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant, or affiliated individual of the tenant is a victim of that domestic violence, dating violence, sexual assault or stalking.

The LACDA retains the authority to terminate the tenancy of a victim under either of the following conditions:

1. The termination is for a lease violation not premised on the act or acts of domestic violence, dating violence, sexual assault or stalking against the tenant or a member of the tenant's household, and the LACDA does not subject an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking to a more demanding standard than other tenants in determining whether to evict.
2. The LACDA can demonstrate an actual and imminent threat within an immediate timeframe that could result in death or serious bodily harm to other tenants or those employed at or providing services to the property if the tenancy of the victim is not terminated.

The LACDA will provide a "Notice of Occupancy Rights under the Violence Against Women Act" HUD form-5380 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation" HUD form-5382 published in December 2016 to a resident who is **notified of eviction or termination of assistance**.

#### H. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS [24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept proration of assistance, were eligible for temporary deferral of termination of assistance to permit the family additional time for transition to affordable housing.

Deferrals may have been granted for intervals not to exceed six months, up to an aggregate maximum of three years for deferrals granted prior to 11/29/96 or up to 18 months if granted after 11/29/96.

However, due to the timeframe applicable to the deferral period, current families are no longer eligible for deferral of termination of assistance.

If the LACDA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for 24 months. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.

## Chapter 13

### FRAUD POLICY

#### INTRODUCTION

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Fraud and abuse by a tenant or applicant, therefore, may constitute an intentional misrepresentation of income, assets, and allowances, or intentional misrepresentation of family composition or initiating and participating in bribes or other illegal activities. Intentional may mean a claim that a tenant or applicant *knows or has reason to know* is false, fictitious, or fraudulent. Knows or has reason to know may mean a person acts in deliberate ignorance of the truth or acts in reckless disregard of the truth or falsity of the claim or statement.

#### A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

The LACDA does not intend to undertake an inquiry or an audit of a tenant family arbitrarily. The LACDA's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. The LACDA staff will make an effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the LACDA has a responsibility to HUD, to the community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance, and when indicators of possible abuse come to the LACDA's attention, to investigate such claims.

The LACDA may initiate an investigation of a tenant family in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips: Referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a household is in noncompliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. Document of the allegation and supporting documents will be retained in the resident file.

Internal File Review: If the LACDA staff discovers (as a function of a (re)certification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, or is discrepant with statements made by the family, the LACDA will initiate further investigation for potential fraud and/or unreported/underreported income.

Verification or Documentation: If the LACDA receives independent verification or documentation, which conflicts with representations in the resident file (such as public record information, credit bureau reports, reports from other agencies, including the Enterprise Income Verification's (EIV's) - Income Verification Tool), the LACDA will initiate further investigation for potential fraud and/or unreported/underreported income.

## B. STEPS TO HELP PREVENT PROGRAM ABUSE AND FRAUD

Management and program staff utilize various methods and practices (listed below) to help prevent program abuse, noncompliance, and willful violations of program rules by applicants and residents. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by residents.

Things You Should Know (HUD-1140-OIG): This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all residents/ applicants to promote understanding of program rules, and to clarify the LACDA's expectations for cooperation and compliance.

Program Orientation Session: Mandatory orientation sessions will be conducted by LACDA staff for all prospective residents either prior to or upon execution of the lease. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Things You Should Know" (HUD-1140-OIG) form to confirm that all rules and pertinent regulations were explained to him/her regarding fraud and abuse.

Resident Counseling: LACDA staff will routinely provide resident counseling in order to clarify any confusion pertaining to program rules and requirements.

Use of Instructive Sign and Warnings: Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.

Review and Explanation of Forms: Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

## C. STEPS TO DETECT PROGRAM ABUSE AND FRAUD

LACDA staff training to maintain a high level of alertness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews. Eligible applicant files prior to a unit offer will be randomly selected for quality control review, including **all** new admission certifications will be reviewed by the site Property Manager. Subsequent re-certifications will be randomly selected by the Administrative Unit and assigned to the Property Managers for quality control review. Such reviews may include, but are not limited to:

1. Changes in reported Social Security Numbers or dates of birth.
2. Authenticity of file documents.
3. Ratio between reported income and expenditures.
4. Review of signatures for consistency with previously signed file documents.

5. Assurance that verification of all income and deduction is present and thoroughly documented as per HUD's mandated verification procedures.
6. Review of the household's EIV Income Report and IVT Report.
7. Review of the household's Credit Bureau Report.
8. Verification of Citizenship Status and supporting documents.
9. Review of required signatures for all HUD mandated forms and Public Housing Lease and Addendums.

Observation. Management and Program Staff (to include maintenance personnel and policing authorities) training to maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income and assets, including personnel and real property.

Public Record Bulletins. Reviewed by management and staff.

State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits.

Credit Bureau Inquiries. Credit Bureau inquiries may be made in the following circumstances:

1. Application Process.
2. Annual/Interim Re-certifications.
3. When an allegation is received by the LACDA wherein unreported income sources are disclosed.
4. When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given.

Enterprise Income Verification (EIV) Inquiries. EIV is a system that enables Public Housing Programs to verify participant reported income and identified households that may have under reported their household's annual income. EIV inquiries must be made in the following circumstances:

1. Annual/Interim Re-certifications.
2. Post Move-in (New Admissions) within 60-days of the move-in date.
3. When an allegation is received by the LACDA wherein unreported income

sources are disclosed.

4. When a resident's expenditures exceed his/her reported income, and no plausible explanation is given.

D. THE LACDA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

LACDA staff will encourage all residents to report suspected abuse to the Property Manager and/or LACDA staff. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The LACDA will not follow up on allegations which are vague or otherwise nonspecific. The LACDA will only review allegations, which contain one or more independently verifiable facts.

Preliminary File Review

An internal file review will be conducted by the site property management office to determine:

1. If the subject of the allegation is a current public housing resident, and if so, the LACDA will verify and determine whether or not the information reported has been previously disclosed by the family.
2. It will then be determined if the LACDA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review

If at the conclusion of the preliminary file review, there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the site management staff will initiate an investigation to determine if the allegation is true or false.

E. HOW THE LACDA REVIEWS ALLEGATIONS OF ABUSE AND FRAUD

If the site management determines that an allegation or referral warrants further investigation, the site management staff will conduct the review. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the LACDA will ensure, where required, that a written authorization from the program participant for the release of information has been obtained.

EIV Report Review. The LACDA staff will obtain a current EIV report on the household that may have under/unreported their annual income.

Credit Bureau Inquiries (CBIs). In cases involving previously under/unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the household's reported income.



IRS. Request for IRS Returns or W-2's may be required.

Verification of Credit. In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.

Employers and Former Employers. Employers or former employers may be contacted to verify wages, which may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the LACDA's review.

Field Investigation: Field Investigators may be utilized to gather additional information as determined by the LACDA.

Other Agencies. Investigators, caseworkers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the LACDA will review public records kept in any jurisdictional courthouse or county recorder's office. Examples of public records which may be checked are real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records, school records, and postal records.

Consult Fraud Analyst. The site management staff may schedule a consultation meeting to discuss the preliminary findings and seek further guidance.

Interviews with Head of Household or Family Members. The LACDA will discuss the allegation (or details thereof) with the head of household or family member by scheduling an appointment at the site office with the Property Manager. In certain circumstances, the Fraud Analyst may assist during the interview. The LACDA intends to conduct such interviews with a high standard of courtesy and professionalism, avoiding inflammatory language, accusations, or unprofessional conduct or language. If necessary, an additional staff person may attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE LACDA

Documents and other evidence obtained by the LACDA during the course of an investigation will be considered "work product" and will be stored in the resident's file upon completion of the investigation. Such cases under review will not be discussed among the LACDA staff unless they are involved in the process, or have information, which may assist in the investigation.

G. CONCLUSION OF THE LACDA'S INVESTIGATIVE REVIEW

At the conclusion of the fraud review, the findings will be reported to the Property Manager and/or Area Manager. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive. In any event, the LACDA staff and/or Fraud Analyst will document the resident file of his/her fraud investigation by providing a memorandum including proposed course of action (i.e., enter into a repayment agreement, counseling, or seek termination of housing assistance).

H. EVAULATION OF THE FINDINGS

If it is determined that a program violation has occurred, the Property Manager will review the facts to determine:

1. The type of violation (noncompliance, fraud).
2. Whether the violation was intentional or unintentional.
3. What amount of money (if any) is owed by the resident.
4. If the household is eligible for continued occupancy.

I. PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the Property Manager will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Noncompliance - Retroactive Rent

When the resident owes money for failure to report changes in income or assets, a Notification of Underpaid Rent will be issued. This Notice will contain the following:

1. A description of the violation and the date(s).
2. Any amounts owed to the LACDA.
3. A ten (10) calendar day written response period.
4. The right to disagree and to request an informal conference with instructions for the request of such conference in compliance with the grievance policy established in the ACOP.
  - a. Tenant Fails to Comply with the Notice. If the tenant fails to comply with the notice, and a material provision of the lease has been violated, termination of tenancy may be initiated.

- b. Tenant Complies with the Notice. When a tenant complies with the notice, the Property Manager responsible will meet with him/her to discuss and explain the obligation or lease provision which was violated. The Property Manager will complete a counseling report, give one copy to the family and retain a copy in the resident file.

A Tenant Conference will be scheduled by the Property Manager to discuss any procedural noncompliance issues and to provide the Tenant with the *Things You Should Know* Program Integrity Bulletin, to promote understanding of the Program Rules and to clarify the expectation for cooperation and compliance. The Property Manager may enlist the assistance of the Fraud Analyst.

### Intentional Misrepresentations

When a resident falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an underpayment of rent by the tenant, an evaluation will determine whether or not:

1. The tenant had knowledge that his/her actions were wrong, and
2. That the tenant willfully violated the lease or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the resident was made aware of program requirements and prohibitions. The residents' signature on various certifications, briefing certificate, Family Obligations, HUD Form 52675, and *Things You Should Know* are adequate to establish knowledge of wrongdoing.

The tenant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

1. An admission by the tenant of the misrepresentation.
2. That the act was done repeatedly.
3. If a false name or Social Security Number was used.
4. If there were admissions to others of the illegal action or omission.
5. That the resident omitted material facts, which were known to them (e.g., employment of self or another household member).
6. That the resident falsified, forged or altered documents.
7. That the resident uttered and certified to statements at a rent (re)determination which were later independently verified to be false.

### The Tenant Conference for Serious Violations and Misrepresentations

When the LACDA has established that material misrepresentation(s) have occurred, a Tenant Conference may be scheduled with the family representative, the Property Manager and/or the staff person most knowledgeable about the circumstances of the case. In the event that a conference is scheduled, an appointment letter confirming the Tenant Conference date may include a checklist of documents and/or information for the resident to bring to the mandatory meeting.

The purpose of such conference is to review the information and evidence obtained with the resident and to provide the resident an opportunity to explain any document findings which conflict with representations in the resident file. Any documents or mitigating circumstances presented by the resident will be taken into consideration by the LACDA. The resident will be given ten (10) working days commencing from the conclusion of the Tenant Conference to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist the LACDA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the following will be considered:

1. The duration of the violation and number of false statements.
2. The resident's ability to understand the rules.
3. The resident's willingness to cooperate and accept responsibility for his/her actions.
4. The amount of underreported income (i.e., *money due to the LACDA*).
5. The resident's past history.

### Notification to Resident of Proposed Action

The resident will be notified by mail of the proposed action no later than fifteen (15) business days after the conclusion of the Tenant Conference.

### Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, the LACDA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Civil Remedies: The LACDA may:

1. Terminate tenancy and demand payment of restitution in full.
2. Terminate assistance and execute an administrative repayment agreement in accordance with the LACDA's Repayment Policy.
3. Terminate assistance and/or pursue restitution through civil litigation.

4. Terminate assistance and seek recovery through tax refunds and/or garnishment of wages or other forms of collection.
5. Continue assistance and issue the resident a Notice of Rent Adjustment with the correct tenant rent payment amount, and demand restitution due in 30-Days of notice.
6. Permit continued assistance with the correct tenant rent amount and execute an administrative repayment agreement in accordance with the LACDA's repayment policy.

Criminal Referral: If the LACDA believes that the case meets the criteria established by the LACDA for prosecution, the LACDA may refer the case to other enforcement agencies.

Termination by the LACDA: The LACDA may terminate a public housing tenancy for a material breach of the lease for discovery of material false statements or fraud, including but not limited to: misrepresentation of facts, omitted pertinent information, or failure to inform Management of information it requires for an annual recertification or interim adjustments, by the tenant or family member in connection with an application for assistance, with re-certification, or reexamination of income.

## Chapter 14

### GRIEVANCES AND APPEALS

[24 CFR 966.50–966.57]

#### INTRODUCTION

This chapter describes the policies to be used when applicants or residents disagree with a LACDA decision. It is the policy of the LACDA that all applicants and residents have the benefit of all appeal/grievance rights due to them under the law.

#### **PART I: APPEALS**

##### A. APPEALS BY APPLICANTS

Applicants who are determined ineligible because they do not meet the LACDA's admission standards, will be given prompt written notification stating reason for the determination and the procedure for requesting an informal hearing. Applicants must submit their request for an informal hearing in writing to the LACDA within ten (10) calendar days from the date of the notification of their ineligibility.

Except for good cause as determined by the LACDA such as, but not limited to hospitalization, illness or injury, if an applicant requests an informal hearing, the LACDA will schedule the hearing to be held within ten (10) calendar days of receiving the request. The LACDA will notify the applicant of the time, date, and location.

An impartial hearing officer will conduct informal hearings. The person who is designated as the hearing officer cannot be the person who made the determination of ineligibility or a subordinate of such person.

The hearing officer will consider documentation or evidence provided by the applicant and data compiled by the LACDA. The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within ten (10) calendar days of the date of the hearing, the hearing officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

The grievance procedure for public housing residents is not applicable to applicants, and applicants have no rights under the LACDA's resident grievance procedures.

##### B. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"

Assistance to the family in a LACDA unit pursuant to a lease may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the LACDA hearing is pending but assistance to an applicant may be delayed pending the LACDA hearing.

### USCIS Determination of Ineligibility

If a family member or applicant claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, the LACDA notifies the applicant or resident within ten (10) calendar days of their right to appeal to the USCIS within thirty days or to request an informal hearing for applicants/informal conference for residents with the LACDA either in lieu of or subsequent to the USCIS appeal.

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

The request for a LACDA hearing must be made within fourteen (14) calendar days of receipt of the notice offering the hearing or, if an appeal was made to the USCIS, within fourteen days of receipt of the USCIS decision.

After receipt of a request for an informal conference for Residents or an informal hearing for Applicants, the hearing is conducted as described in the “Grievance Procedures” and “Appeals by Applicants” section of this chapter for both applicants and residents. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the LACDA will deny the applicant family.

If there are eligible members in the family, the LACDA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

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

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

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

## PART II: GRIEVANCE PROCEDURES

### A. DEFINITIONS

#### Grievance

Any dispute that a resident may have with respect to an LACDA action or failure to act in accordance with the individual resident's lease or LACDA regulations that adversely affects the individual resident's rights, duties, welfare, or status. Grievance does not include disputes between residents not involving the LACDA; to class grievances such as rent strikes; as a forum for initiating or renegotiating policy changes between groups of residents and the LACDA Board of Commissioners; nor to an eviction based upon violent criminal activity or drug-related criminal activity.

#### Complainant

Any resident whose grievance is presented to the LACDA at the site/management office.

#### Hearing Officer

A person selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

#### VAWA

An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy, if the tenant, or affiliated individual of the tenant is a victim of that domestic violence, dating violence, sexual assault or stalking.

### B. APPLICABILITY

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or LACDA employees, or

Any drug-related criminal activity on or off such premises. \*\*Please note that the cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational



and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law. The cultivation, manufacture, distribution, sale, use and/or possession of marijuana for recreational and/or medical reasons subjects a tenant to the termination of tenancy.

C. INFORMAL CONFERENCE

Any grievance shall be presented in writing through a "Grievance Request Form" submitted to the LACDA office or to the housing management office who sent the notice on which the grievance is based. Written grievances must be signed by the resident. The grievance must be requested within ten (10) calendar days after receipt of the notice of any adverse action on which the grievance is based. It may be simply stated, but shall specify:

The particular grounds upon which it is based,

The action requested; and

The name, address, and telephone number of the complainant, and similar information about the complainant's representative, if any.

The LACDA will provide reasonable accommodation for persons with disabilities to participate in the informal conference. The LACDA must be notified within three (3) calendar days of the scheduled time if special accommodations are required.

The purpose of the informal conference is to discuss the nature and circumstances of the grievance and to determine if the parties can resolve the grievance without the necessity of a formal hearing. A formal hearing is only for current residents.

Except for good cause as determined by the LACDA such as, but not limited to hospitalization, illness or injury, a designated LACDA representative shall hold an informal conference with the resident within ten (10) calendar days of receipt of the grievance. At the informal conference, the resident will present their grievance and the LACDA representative will discuss and attempt to settle the grievance.

If the complainant fails to appear within 30 minutes of the scheduled time, the LACDA representative may cancel the informal conference and determine that the complainant has waived their grievance rights. When the informal conference is completed the LACDA representative will provide the resident with a written summary of the informal conference. The summary of the informal conference shall be prepared within a reasonable time and one copy shall be given to the tenant and one retained in the LACDA's tenant file. The summary will specify the date of the informal conference, names of participants, nature of the disposition of the complaint and supporting reasons, as well as specifying the procedures by which a formal hearing may be obtained if the grievance has not been resolved at this level. A receipt signed by the resident or a return receipt for delivery of certified mail, whether or not signed, will be sufficient proof of time of delivery for the summary of the informal conference.

### 1. Dissatisfaction with Informal Conference

If the resident, also known as the complainant, is dissatisfied with the results of the informal conference, s/he shall submit a "Grievance Request Form" requesting a formal hearing within ten (10) calendar days of the date of service of the informal conference summary.

The request must specify the reason for the grievance request and the relief sought.

### 2. Failure to Request a Formal Hearing

If the complainant does not request a formal hearing within ten (10) calendar days of the date of service of the informal conference summary, s/he waives his/her right to a hearing, and the LACDA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the complainant's right to contest the LACDA's disposition in an appropriate judicial proceeding.

## D. FORMAL HEARING

After exhausting the informal conference procedures outlined above, a complainant shall be entitled to a formal hearing before a hearing officer.

The head of household must attend the formal hearing.

If the complainant fails to appear within 30 minutes of the scheduled time, the hearing officer may determine that the complainant has waived their grievance right.

The LACDA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The LACDA must be notified within three (3) days of the scheduled time if special accommodations are required.

### 1. Formal Hearing Officer

A grievance hearing shall be conducted by an impartial person appointed by the LACDA other than the person who made or approved the LACDA action under review, or a subordinate of such person.

Hearing Officer shall be appointed by the LACDA through an approved list of hearing officers or through an organization approved by the Executive Director of the LACDA.

Each party may challenge the hearing officer for good cause and must file an objection stating reason prior to start of hearing.

### 2. Notifying Hearing Officer to Administer Hearing Proceedings

The designated LACDA representative will send written notification to the hearing officer with a copy of the grievance/complaint form, the informal conference summary, and a copy of the request

for formal hearing.

The designated LACDA representative advises the hearing officer of name(s) and address(es) of all participants.

The designated LACDA representative notifies all parties as to date, time and place of hearing.

E. PROCEDURES TO OBTAIN A HEARING

Informal Conference Prerequisite

All grievances must be presented pursuant to the informal conference procedure as a prerequisite to a formal hearing. The hearing officer may waive the prerequisite informal conference if, and only if, the complainant can show good cause why s/he failed to proceed informally.

Escrow Deposit

Before a hearing is scheduled in any grievance involving an amount of rent the LACDA claims is due, the complainant shall pay to the LACDA all rent due and payable as of the month preceding the month in which the act or failure to act took place.

The complainant shall thereafter give the LACDA their monthly rent and the LACDA will deposit the monthly rent into an escrow account each month until the complaint is resolved by decision of the hearing officer.

The LACDA will waive these escrow requirements if the complainant is paying minimum rent and the grievance is based on a request for hardship exemption or imputed welfare income. Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.

Failure to make such payments does not constitute a waiver of any right the complainant may have to contest the LACDA's disposition of the grievance in any appropriate judicial proceeding.

Scheduling

Should the complainant require a continuance of the hearing, the complainant shall submit a written request to the LACDA within three (3) business days of the scheduled time of the hearing. The complainant's written request must provide a reason for the continuance.

A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the complainant and the appropriate LACDA official.

The LACDA will provide reasonable accommodation for persons with disabilities to participate in the hearing. The LACDA must be notified within three days of the scheduled time if special accommodations are required.

F. HEARING PROCEDURES

The hearing shall be held before a hearing officer.

The complainant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:

The opportunity to examine and to copy before the hearing, at the expense of the complainant (\$.25 per copy), all documents, records and regulations of the LACDA that are relevant to the hearing with at least a 24-hour notice prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by the LACDA at the hearing.

The LACDA shall also have the opportunity to examine and to copy at the expense of the LACDA all documents, records and statements that the resident plans to submit during the hearing to refute the LACDA's inaction or proposed action. Any documents not so made available to the LACDA may not be relied upon at the hearing.

The right to a private hearing unless otherwise requested by the complainant.

The right to be represented by counsel or other person chosen as a representative at the family's expense.

The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the LACDA, and to confront and cross-examine all witnesses upon whose testimony or information the LACDA relies, limited to the issues for which the complainant has received the opportunity for a formal hearing; and

The right to a decision based solely and exclusively upon the facts presented at the hearing.

If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

If the complainant fails to appear within thirty (30) minutes of the scheduled time, the hearing officer may determine that the complainant has waived their right to a hearing.

Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the LACDA must sustain the burden of justifying the LACDA action or failure to act against which the complaint is directed.

The hearing shall be conducted by the hearing officer as follows:

Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer shall require the LACDA, complainant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing officer to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

Either party may request a tape recording of the hearing. The LACDA shall provide equipment and an operator for the purpose of recording the hearing. The complainant may secure a duplicate at his/her expense.

G. DECISIONS OF THE HEARING OFFICER

The hearing officer shall mail to the LACDA and the complainant/or his or her representative a written decision, including the reasons for the decision, within ten (10) calendar days following the hearing. The LACDA will place one copy in the resident files. The written decision will be sent to the address provided at the hearing. The LACDA shall maintain a log of hearing officer decisions and make it available upon request.

The decision of the hearing officer shall be binding on the LACDA which shall take all actions necessary to carry out the decision, unless the Board of Commissioners intervene in the matter. The Board of Commissioners may overturn a hearing officer's decision in either of the following two situations:

The grievance does not concern the LACDA action or failure to act in accordance with or involving the complainant's lease or LACDA regulations that adversely affect the complainant's rights, duties, welfare or status.

The decision of the hearing officer is contrary to applicable Federal, State, or local law, HUD regulations or requirements of the Annual Contributions Contract between HUD and the LACDA.

A decision by the hearing officer or Board of Commissioners in favor of the LACDA or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any manner whatever, the rights of the complainant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

Any grievance in which the Resident claims a right under VAWA, a hearing officer will not issue a decision and instead will postpone the hearing until such time as a decision on the VAWA request has been made in compliance with all VAWA references made in this ACOP.

## H. LACDA EVICTION ACTIONS

A notice of termination is suspended pending the grievance process. As the notice of termination tolls, rent shall continue to be due and owing during and pending the grievance hearing procedures. The failure to pay rent pending the grievance process will result in a waiver of the grievance. If a resident has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a LACDA notice of termination of tenancy, and the hearing officer upholds the LACDA action, the LACDA shall not commence an eviction action until the notice of termination of tenancy expires.

## Chapter 15

### FAMILY DEBTS TO THE LACDA

#### INTRODUCTION

This chapter describes the LACDA's policies and guidelines for the recovery of debts and the use of repayment agreements. Before a debt is assessed against a family, the file must contain documentation to support the LACDA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family, as appropriate.

When families owe money to the LACDA, every effort will be made to collect the debt. To demonstrate that the LACDA is in compliance with the efforts made to collect the debt, staff must thoroughly document the family file regarding actions taken. A variety of collection tools to recover debts may be used including, but not limited to:

Requests for lump sum payments

Repayment agreements

Deductions

Collection agencies

Credit bureaus

Civil suits

#### A. REPAYMENT AGREEMENT FOR FAMILIES

A Repayment Agreement is a document entered into between the LACDA and all adults in the household who owe a debt to the LACDA. The Repayment Agreement contains an acknowledgment by all adult household members of the debt in a specific amount, the terms of repayment, any special provisions of the agreement, and the remedies available to the LACDA upon default of the agreement.

#### Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's repayment agreement is in arrears, the LACDA may do one or more of the following:

Require the family to pay the entire amount that has not been paid timely **plus** the current month's payment in order to avoid termination of tenancy, or

Require the family to pay the balance in full in order to avoid termination of tenancy, or

The terms of the agreement may be renegotiated if there is a change in financial circumstances or a hardship has occurred, or

Pursue civil collection of the balance due, or

Terminate the tenancy.

### Requests to Move

If the family requests a move to another unit and has a repayment agreement in place and the repayment agreement is not in arrears, the family may be required to pay the balance in full prior to moving to the new unit.

If the family requests a move to another unit and is in arrears on a repayment agreement, unless they pay the balance in full, the request will be denied.

Under special circumstances, the LACDA may make an exception and allow a family to move without paying the entire balance of the debt if the family is current with its payments. However, the balance is still owed by the household to the original AMP. The LACDA will require the household to enter into a new Repayment Agreement that specifies the transfer of debt to the new unit through a "Repayment Agreement Addendum to the Los Angeles County Development Authority Public Housing Lease Agreement". The LACDA may also allow a family who is in arrears to become current in order to process a move if the move is for one of the following reasons:

A natural disaster.

The unit is uninhabitable or has major UPCS deficiencies that are not the result of a family action or inaction.

A life-threatening situation, such as the family is a witness to or a victim of a crime and must move for safety reasons. The family will be required to provide proof in such cases.

Approved Reasonable Accommodation Request.

### Guidelines for Repayment Agreements

The LACDA, at its sole discretion, will determine on a case-by-case basis whether or not to offer a family a repayment agreement for monies owed to the LACDA. All Repayment Agreements must be approved by a LACDA Area Manager. The offer of a Repayment Agreement does not



constitute an agreement to continue the household's assistance. However, the LACDA may propose termination of the household's assistance upon refusal by the household to enter into a repayment agreement.

Repayment Agreements will be executed between the LACDA and the head of household or other adult family member.

The LACDA may approve in writing a decrease in the monthly payments, either temporary or permanent, in cases of hardship after receiving from the family a written request for a decrease and verification of hardship and the approval of a LACDA Area Manager.

If the LACDA offers a repayment agreement, the family has the option to repay balances as follows:

1. In a lump sum amount; or
2. A monthly payment; or
3. A combination of a lump sum and monthly payment.

The LACDA will usually ask that the household pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be paid in equal payments over a period of time not to exceed 12 months for amounts under \$2,400 or 24 months for any amount in excess of \$2,400.

In determining the initial lump sum, the LACDA will consider the total amount owed and the ability of the household to make the remaining payments. The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and **not** to exceed 40 percent of the household's monthly adjusted income.

**Example:**

Family's monthly adjusted income is \$1,230.

Family's monthly rent payment is \$369 (30 percent of the family's monthly adjusted income).

Family's 40 percent of the monthly adjusted income is \$492.

The monthly payment for the repayment agreement should not exceed \$123 (\$492-\$369)

These terms may be negotiated with the Resident. The LACDA may also amend a Repayment Agreement document the change in initial payment terms.

**B. FAMILY DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION**

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes a false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead the LACDA.

Immediate Payment of Retroactive Rent Where Debt is the Result of Resident Misrepresentation or Failure to Disclose Material Information

If the Resident submits false information on the application for eligibility, annual/interim certifications, declaration of facts, or fails to report changes in family income/composition, or other factors, the Resident is in breach of his/her Lease Agreement. The Resident is required to reimburse the LACDA if they were charged less than the amount required by HUD's rent formulas, which is the difference between the rent he/she should have paid and the rent he/she was charged. The underpaid rent will be retroactive as far back as the existence of the complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determination. The LACDA, in its sole discretion, may terminate the Lease for a material breach.

A decision by the LACDA to accept the payment of Retroactive Rent from a Resident, shall not constitute a waiver of its right to either terminate the Lease or otherwise pursue any additional actions allowable under Federal, State or local law. In addition, the case may be referred to the Inspector General and/or the LACDA may refer the case for criminal prosecution.

Payment of Retroactive Rent Where Debt Is **Not** the Result of Resident Misrepresentation or Failure to Disclose Material Information

The LACDA, in its sole discretion, may enter into a Repayment Agreement for a debt to the LACDA that did not result from the Resident's submission of false information on the application for eligibility, , annual/interim certification, declaration of facts fails to report changes in family income/composition, or other factors as required by his/her Lease Agreement.

C. REPAYMENT AGREEMENTS AT CONCLUSION OF TENANCY OR RESOLUTION OF EVICTION PROCEEDINGS

The LACDA may enter into a repayment agreement in resolution of a debt incurred by a Resident during the course of his or her tenancy where the Resident has indicated his or her intent to voluntarily vacate. The LACDA may also enter into a repayment agreement in resolution of either a notice to terminate or not renew a tenancy. The terms of such agreements shall be determined at the discretion of the LACDA.

D. FAMILY DEBTS PAID IN FULL

If the LACDA determines not to enter into a repayment agreement, or if the repayment agreement is breached and the LACDA demands payment of the balance in full, the family must pay the full amount due and owing in one lump sum. If the family fails to pay, the LACDA may pursue collection through a collection agency or a civil action and may notify credit agencies of the debt. Whether or not the amount is paid, the LACDA does not waive its right to take other action including termination of tenancy or referral for criminal prosecution in appropriate cases.

## Chapter 16

### COMMUNITY SERVICE REQUIREMENT

[24 CFR Part 960 Subpart F; 24 CFR 903.7; PIH 2003-17; PIH-2015-12]

#### A. REQUIREMENT

Except for any adult resident (18 years or older) who is an exempt individual, each adult resident of public housing shall:

1. Contribute eight (8) hours per month of community service (not including political activities); or
2. Participate in an economic self-sufficiency program for eight (8) hours per month; or
3. Perform eight (8) hours per month of combined activities.

Community Service is "the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities." (See 24 CFR 960.601(b)).

The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual certification.

#### B. EXEMPTIONS

The LACDA shall provide an exemption from the community service requirement for any adult resident who meets the following HUD exemption criteria:

- a. 62 years or older;
- b.
  1. Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c), and who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or
  2. is a primary caretaker of such individual;
- c. Engaged in work activities (see Notice PIH 2003-17 (HA)). In order for an individual to be exempt from the CSSR requirement because he/she is "engaged in work activities," the person must be participating in an activity that meets one of the following definitions of "work activity" contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 607(d)):

1. Unsubsidized employment;
  2. Subsidized private-sector employment;
  3. Subsidized public-sector employment;
  4. Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  5. On-the-job-training;
  6. Job-search;
  7. Community service programs;
  8. Vocational educational training (not to exceed 12 months with respect to any individual);
  9. Job-skills training directly related to employment;
  10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
  11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalency, in the case of a recipient who has not completed secondary school or received such a certificate.
- d. Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which LACDA is located including a State-administered Welfare-to-Work program; or,
- e. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.), or under any other welfare program of the State in which the LACDA is located, including a State-administered Welfare-to-Work program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

The LACDA uses 30 hours per week as the minimum number of hours for a work activity as described in Section 407(d) of the Social Security Act and implementing regulations 45 CFR 261.31(1)(a)(1).

The LACDA will re-verify exemption status at the annual recertification except for adult residents who are 62 years of age or older.

At any time shall an adult resident experience a change in status that would make such individual exempt from the community service requirement, he/she **must** report the change in status within five (5) business days to the site management office. The LACDA will verify the exemption status of the requesting adult resident before authorizing non-exemption from the community service requirement. The non-exempt adult resident shall only be responsible for the balance of community service hours to be completed before the annual recertification.

## C. SATISFYING THE COMMUNITY SERVICE REQUIREMENT

### Community Service

Eligible community service activities include, but are not limited to, the following:

1. Participation in a Family Learning Center Literacy Program as a reading tutor and/or reading listener;
2. Participation in activities which support the Family Learning Center, such as, but not limited to, after-school tutoring, summer programs, being a chaperone for educational field trips, assisting with events and programs related to youth/adult education and literacy;
3. Participation in the site Resident Council as an elected board member or performing activities related to the Resident Council that total eight (8) hours per month;
4. Participation in activities which support the Family Resource Center, such as, but not limited to, being a chaperone for youth and senior field trips, assisting with community events and family/youth programs, and other activities related to youth development, recreation, and family self-sufficiency;
5. Local public or nonprofit institutions, such as schools, Head Start Programs, before- or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);
6. Nonprofit organizations serving LACDA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
7. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
8. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
9. LACDA housing to improve grounds or provide gardens (so long as such work does not alter the LACDA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board, outreach and assistance with LACDA-run self-

sufficiency activities including supporting computer learning centers; and,

10. Care for the children of other residents so parents may volunteer.

Pursuant to 24 CFR 960.609, community service activities do not include work performed by a resident that would ordinarily be performed by a LACDA employee. However, residents may do community service on the LACDA property or with or through LACDA programs to assist with or enhance work done by a LACDA employee.

In addition to the activities stated above, participation in an economic self-sufficiency program satisfies the community service requirement. HUD defines economic self-sufficiency as: any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

### **Self-Sufficiency**

Eligible self-sufficiency activities include, but are not limited to, the following:

1. Job readiness or job training while not employed;
2. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor), or other training providers;
3. Higher education (junior college or college);
4. Apprenticeships (formal or informal);
5. Substance abuse or mental health counseling;
6. Reading, financial and/or computer literacy classes;
7. English as a second language and/or English proficiency classes;
8. Budgeting and credit counseling.

In general, economic self-sufficiency programs include: job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management skills training, apprenticeship, or any other program necessary to ready a participant for employment.

In addition to the activities listed above, the LACDA authorizes the following economic self-sufficiency activities:

Participation in the LACDA Family Self Sufficiency Program.

Other activities which further the goals of economic self-sufficiency as approved on an individual basis by the LACDA.

The LACDA will ensure that all community service activities which take place on LACDA property are accessible for persons with disabilities.

D. ANNUAL COMPLIANCE CERTIFICATION

For each adult resident subject to the community service requirement, the LACDA shall, at least 30 calendar days before the next recertification, review and determine compliance with the community service requirement.

Such determinations shall be made in accordance with the principles of due process and on a non-discriminatory basis.

**Community Service Requirement Self-Certification**

Each adult resident that is subject to the community service requirement shall provide a completed self-certification form provided by the LACDA for each organization or person for which the resident performed the community service requirement activity. The LACDA self-certification form includes the following information:

1. A statement that the resident has completed the number of hours listed and that the statement is subject to penalties of perjury;
2. The number of hours and type of activity (community service or self-sufficiency) that the resident completed;
3. The name of the organization or person for which the activity was completed;
4. The address of the organization or person;
5. The phone number of the organization or person;
6. A contact person in the organization or the person for which the activity was completed.

**Residents Ineligible for Community Service Requirement Self-Certification**

The LACDA will **not** accept resident self-certification for a resident subject to a work-out agreement until the resident has completed, and the LACDA has verified through a third party, that the resident has completed the required hours. For these residents, if community service activities are administered by an organization other than the LACDA, the LACDA will obtain a third-party verification.

**Annual Community Service Requirement Self-Certification HUD Validation Requirements (24 CFR 960.605)**

The LACDA **must** validate a sample of self-certifications with the third-party for whom the resident completed the community service or self-sufficiency activity. The sample of self-certifications the LACDA validates shall be a statistically valid, random sample. HUD PIH Notice 2016-06 provides the appropriate sampling methodology to be used by the LACDA when

determining how many self-certifications must be validated annually. For example, if the LACDA has a universe of self-certifications of 50 must validate at least 29 of the self-certifications to meet the statistically valid requirement. The LACDA with a universe of 500 must validate 60 self-certifications to meet the statistically valid requirement. The “universe” of self-certification shall only include residents that submitted a self-certification, and shall not include:

1. Residents that are under the age of 18 years or 62 years or older;
2. Residents that are exempt;
3. Residents for which the LACDA receives third part verification of completion of the community service requirement; and
4. Residents that did not complete the required community service requirement.

Due to the number of residents subject to the community service requirement constantly fluctuating due to unit turnover, resident employment, etc., the LACDA shall choose a point in time annually to calculate the universe of self-certification received during the previous 12 months.

### **Validating the Community Service Requirement**

To validate a self-certification, the LACDA shall obtain a third-party documentation that includes, at a minimum, the name of the organization or person, the number of hours completed by the resident, a signature from the appropriate staff person within the third-party organization or person and that staff person’s contact information. Consistent with the written third-party verification techniques outlined in PIH Notice 2010-19, the LACDA may accept third-party generated documentation directly from the third-party or from the resident.

### **Fraudulent Self-Certification**

If the LACDA determines a resident has submitted a fraudulent self-certification, the LACDA shall provide a notice of noncompliance to the resident pursuant to 24 CFR 960-607. If the resident agrees to sign a work-out agreement, the LACDA shall obtain written third-party documentation of the resident’s compliance with the requirements of the work out agreement. Should the resident refuse to enter into a work-out agreement, the LACDA shall take steps to terminate the tenancy of the resident by the next recertification/12-month period. (PIH Notice 2015-12).

## **E. NONCOMPLIANCE**

If the LACDA determines that an adult resident subject to the community service requirement has not complied with the requirement, the LACDA shall;

1. Notify the adult resident in writing of such noncompliance which will include;
  - a. A brief description of the finding of non-compliance with CSSR.
  - b. A statement that the LACDA will not renew the Lease Agreement at the end of the current 12-month lease term unless the tenant enters into a written work-out agreement with the LACDA or the family provides written assurance that is



satisfactory to the LACDA explaining that the tenant or other noncompliant resident no longer resides in the unit. Such written work-out agreement will include the means through which a noncompliant family member will comply with the CSSR requirement.

- c. A statement that the tenant may request a grievance hearing on the LACDA determination, in accordance with the LACDA's Grievance Procedures (24 CFR Part 966, subpart B), and the tenant may exercise any available judicial remedy to seek timely redress for the LACDA's nonrenewal of the lease because of such determination.

The LACDA may not renew the resident's Lease Agreement upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the LACDA enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the community service requirement, by participating in an economic self-sufficiency program or contributing to community service as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease.

### **Enforcement Documentation**

Should a family member refuse to sign a written work-out agreement, or fail to comply with the terms of the work-out agreement, the LACDA will initiate termination of tenancy proceedings at the end of the current 12-month lease term (see 24 CFR 966.53(c)) due to the fact that the family is failing to comply with lease requirements. When initiating termination of tenancy proceedings, the LACDA will provide the following procedural safeguards:

- a. Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;
- b. Right of the tenant to be represented by counsel;
- c. Opportunity for the tenant to refute the evidence presented by the LACDA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and
- d. A decision on the merits.

### **F. INELIGIBILITY FOR OCCUPANCY FOR NONCOMPLIANCE**

The LACDA shall not renew or extend any Lease Agreement, or provide any new Lease Agreement, for a dwelling unit for any household that includes an adult resident who was subject to the community service requirement and failed to comply with the requirement.

## Chapter 17

### LACDA CURFEW AND LOITERING POLICIES AND PROCEDURES

#### INTRODUCTION

The following are the policies and procedures governing the implementation, administration, and enforcement of the LACDA Curfew and Loitering Regulations.

#### A. DUTIES AND RESPONSIBILITIES

At the discretion of the Director of the Housing Operations Division, the Property Manager shall have the primary responsibility for implementation, administration and enforcement of the Curfew and Loitering Regulations as it pertains to their respective assigned housing developments and scattered sites.

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the enforcement of the Curfew and Loitering Regulations. Such enforcement may include properly identifying curfew and loitering violators, and notifying the appropriate Property Manager of such curfew and loitering violations.

#### B. NIGHTTIME CURFEW

No minor under the age of 18 years shall remain in or upon any common area of the LACDA or within any LACDA community, including but not limited to a road, curb area, sidewalk, parking lot, alley, park grounds, playground, basketball court, hallway, stairway, laundry, or recreational room, community center, or other common area grounds, place, building or vacant lot between the hours of 10:00 p.m. on any day and 6:00 a.m. of the immediately following day, except for within an apartment unit or private yard area.

“Remain” means to stay behind, to tarry and to stay unnecessarily in or upon LACDA common area, including the congregating of groups of persons, in whom any minor involved is not on or upon LACDA common area for the purpose of mere passage or going home.

A parent, guardian or other person having the legal care, custody or control of any minor (under the age of 18 years) shall not knowingly permit or by ineffective control allow the minor to violate this curfew regulation. The term “knowingly” includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in that person’s legal custody. This requirement is intended to hold a neglectful or careless parent or guardian up to a reasonable community standard of parental responsibility.

It shall be no defense that a parent or guardian was indifferent to the activities or conduct or whereabouts of such minor.

The following shall constitute valid exceptions to the regulation:

1. When the minor is accompanied by his or her parent or parents, legal guardian or other person having the legal care or custody of the minor, or by his or her spouse/marital-type partner 18 years of age or older; or
2. When the minor is on an errand or other legitimate business or activity directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse/marital-type partner 18 years of age or older; or
3. When the minor is going directly to or returning directly home (without any unnecessary detour or stop), a public meeting, or activity of a religious or other voluntary association, a place of public entertainment such as a movie, play, sporting event, dance, school activity, or the minors place of employment; or
4. When the minor is actively participating in a sporting or community event on LACDA property, if the LACDA rules or regulations permit the sporting or community event during said hours; or
5. When the presence of such minor in said place or places is connected with or required with respect to a business, trade, profession, or occupation in which said minor is lawfully engaged; or
6. When minor is exercising First Amendment rights protected by the United States or California Constitution; or
7. When the minor is involved in an emergency or seeking medical assistance; or
8. When the minor is emancipated pursuant to law.

C. DAYTIME CURFEW

No minor (under the age of 18 years) who is subject to compulsory education or to compulsory continuing education shall remain in or upon any common area of the LACDA or within any LACDA community including, but not limited to, a road curb area, sidewalk, parking lot, alley, park grounds, playground, basketball court, hallway, stairway, laundry or recreational room, community center, or other common area grounds, place or building, vacant lot or parking lot, between the hours of 8:30 a.m. and 1:30 p.m. on days when school is in session. The following shall constitute valid exceptions to this regulation:

1. When the minor is accompanied by his or her parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse/ marital-type partner 18 years of age or older; or
2. When the minor is upon an emergency errand directed by his or her parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse/marital-type partner 18 years of age or older; or

3. When the minor is going directly to or returning directly home from, without any unnecessary detour or stop, his or her place of gainful employment or a medical, dental, optometry, or chiropractic appointment; or
4. When the minor has permission to leave school campus for lunch or school related activity and has in his or her possession a valid, school issued, off-campus permit; or
5. When the minor has in his or her possession a written excuse from the minor's parent(s), legal guardian, or other adult person having the legal care or custody of the minor; or
6. When the minor is receiving instruction by a qualified tutor pursuant to Education Code Section 48224; or
7. When the minor is going to or returning directly from, without unnecessary detour or stop, a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of the minors school; or
8. When the minor is going to or returning directly from, without unnecessary detour or stop, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or attendance at an employment conference; or
9. When the minor is emancipated pursuant to law.

D. LOITERING

No one will loiter in a common area of a housing site. A common area includes, but is not limited to a road, curb area, sidewalk, fire lane, parking lot, alley, park grounds, playground, basketball court, hallway, stairway, laundry, or recreational room, community center, or other common area grounds, place, building or vacant lot. This pertains to adults and minors.

“Loitering” is defined as when a person delays, lingers, idles or remains in an area and does not have a lawful purpose for being there.

E. BREACH OF THE LEASE

One violation of the Curfew Regulation by any household member of a unit shall constitute a minor breach of the Lease Agreement. Three or more violations of the Curfew Regulation within a 12-month period of time by any household member (in any combination) shall constitute a material breach of the Lease Agreement and shall be sufficient grounds for termination of the Lease Agreement.

One violation of the Loitering Regulation by any household member of a unit or guest of the unit, shall constitute a minor breach of the Lease Agreement. Two or more violations of the Loitering Regulation within a 12-month period of time by any household member or guest (in any

combination) shall constitute a material breach of the Lease Agreement and shall be sufficient grounds for termination of the Lease Agreement.

F. NOTICES AND RECOMMENDATIONS

Notice

The Head of Household shall receive a copy of the citation for violation of the Curfew Regulation and written notification from LACDA management of each violation of the Curfew Regulation occurring within a 12-month period as follows:

First Violation: Written notice shall be served on Head of Household, by LACDA management, advising of curfew violation and that Head of Household is responsible for the minor's conduct. The notice shall constitute a WARNING to the Head of Household that subsequent violations may result in termination of the Lease Agreement.

Second Violation: Written notice of a second curfew violation shall be served on the Head of Household and shall provide an opportunity for counseling for the Head of Household and minor(s). The Property Manager should schedule the appointment for said counseling with ten (10) days of the second violation notice.

Third Violation: Written notice of third curfew violation shall be served on the Head of Household and the appropriate remedy shall be enforced as set forth below. Each violation will be thoroughly documented, including dates the notices were issued and each counseling session with the family.

The Head of Household shall receive a copy of the citation for violation of the Loitering Regulation and written notification from LACDA management of each violation of the Loitering Regulation occurring within a 12-month period as follows:

First Violation: Written notice shall be served on Head of Household, by LACDA management, advising of loitering violation and that Head of Household is responsible for the household member or guests' conduct. The written notice shall also provide an opportunity for counseling for the Head of Household. The Property Manager should schedule the appointment for said counseling within ten (10) days of the notice. The notice shall constitute a WARNING to the Head of Household that subsequent violations may result in termination of the Lease Agreement.

Second Violation: Written notice of second loitering violation shall be served on the Head of Household and the appropriate remedy shall be enforced as set forth below.

Each notice will be thoroughly documented, including dates the notices were issued and each counseling session with the family.

## G. REMEDIES

### Review of Resident File

When a household member or members have been cited three times within a 12-month period for violating the Curfew or Loitering Regulations, the Property Manager shall conduct a review of the resident's historical file to determine the overall resident record. Based on such review, one of the following actions shall be taken:

Recommendation for Referral: The Property Manager shall offer a referral to counseling, if available, to a family in lieu of an eviction notice. Such option is available only if within the last 12 months preceding the third curfew or loitering violation the resident or household members have not received three (3) or more of any combination of the following, including, but not limited to:

14-Day Notice

Notice to Comply

Notice to Pay Maintenance Charges

Counseling for Disturbing Neighbors

Counseling for any lease violation(s)

30-Day Notice to Cure or Quit

Thirty-Day Notice to Quit: If head of household and/or minor(s) should fail to complete referred sessions, or have received three (3) or more of the aforementioned notices, the Property Manager shall serve a Thirty-Day Notice to Quit based on the curfew or loitering violations and, if appropriate, other violations of the lease.

## H. ENFORCEMENT

### Security Personnel/Law Enforcement

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the enforcement of the Curfew and Loitering Regulations. Such enforcement shall include:

Violation Recognition: Should security/law enforcement officers observe a minor or minors in or about any common area of the LACDA developments between the hours of 10:00 p.m. and 6:00 a.m., said officers shall have the authority to inquire of the minor(s) as to their identity, whether they are residents of the housing development, and their reason(s) for being out during curfew hours. The purpose of the inquiry is to determine whether the minor(s) are in violation of the Curfew Regulation or whether any of the

exceptions to the Curfew Regulation apply.

Should security/law enforcement officers observe anyone loitering in any common area of the LACDA developments, said officers shall have the authority to inquire of the person(s) as to their identity, whether they are residents of the housing development, and their reason(s) for being in the common area.

Citing Violations: Upon determining that a minor is in violation of the Curfew Regulation, the security/law enforcement officer may so inform the minor(s) of the violation. The officer may then issue a written citation. One copy of the citation shall be filed with the Property Manager for the development, and the security/law enforcement officer shall maintain a copy.

Upon determining that a person is in violation of the Loitering Regulation, the security/law enforcement officer may so inform the person(s) of the violation. The officer may then issue a written citation. One copy of the citation shall be filed with the Property Manager for the development, and the security/law enforcement officer shall maintain a copy.

#### Enforcement by Resident Managers

Resident Managers shall participate in the enforcement of the **Curfew Regulation** by observing and reporting only. Should Resident Managers observe a minor or minors in violation of the Curfew Regulation the incident should be immediately documented, including the date, time, location, name of minor (if known), and number of times minor has been observed in violation of the Curfew Regulation. Such documentation should be recorded in the resident's file and a memorandum concerning the curfew violation(s) sent to the Property Manager.

Resident Managers shall participate in the enforcement of the **Loitering Regulation** by observing and reporting only. Should Resident Managers observe a person or persons in violation of the Loitering Regulation the incident should be immediately documented, including the date, time, location, name of person(s) (if known), and number of times person(s) has been observed in violation of the Loitering Regulation. Such documentation should be recorded in the resident's file and a memorandum concerning the loitering violation(s) sent to the Property Manager.

#### Enforcement by Management

Area Managers and Property Managers shall have the authority to serve citations for violations of the Curfew and Loitering Regulations.

#### I. GRIEVANCE PROCEDURE

Residents shall have the right to file a grievance in response to actions taken by the LACDA concerning violations of the Curfew and Loitering Regulations.

The LACDA Grievance Policy is subject to the Code of Federal Regulations, Title 24, Part 966,

revised as of April 1, 1985, and as further amended. Residents shall follow the grievance procedures as set forth in the ACOP.



## Chapter 18

### BANNING POLICIES AND PROCEDURES

#### INTRODUCTION

The following are the policies and procedures governing the implementation, administration, and enforcement of the LACDA banning regulation.

#### A. DUTIES AND RESPONSIBILITIES

At the discretion of the Director of the Housing Operations Division, the Property Manager shall have the primary responsibility for the implementation, administration and enforcement of the Banning Regulation as it pertains to their respective assigned housing development and scattered sites. Property Managers shall be responsible for notifying residents of persons banned from LACDA property.

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the enforcement of the Banning Regulation. Such enforcement may include properly identifying trespassers, issuing citations, and notifying the respective Property Manager of such violation.

Resident Managers shall, upon approval by the Director of the Housing Operations Division, and at the discretion of the Property Manager, be responsible for identifying Banning violators, documenting violations by both residents and non-residents, and notifying the appropriate Property Manager of such violations.

#### B. BANNING REGULATION

A non-resident, including, but not limited to, a guest or visitor of a resident, may be banned for twelve (12) consecutive months if they commit two or more of the following acts in or upon any area of the LACDA development within a twelve (12) month period.

Any felony, misdemeanor or infraction that disturbs the peaceful enjoyment of the development, including, without limitation, illegal drug activity or violent criminal activity;

Destruction of either LACDA property or private property;

After warning, continuing to interfere with the job responsibilities of a LACDA employee or vendor; and/or

After warning, continuing to disturb other residents' peaceful enjoyment of the complex.

The non-resident may be banned if they commit one felony, misdemeanor or infraction involving possession of a controlled substance under state or federal law in or upon any area of the LACDA

development including without limitation, illegal drug activity or violent criminal activity.

\*\*Please note that the cultivation, cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons is also a violation of the LACDA's policies relating to drug-related criminal activity and constitutes "drug-related criminal activity" under federal law.

The LACDA development includes, but is not limited to, a private road or curb area, sidewalk, parking lot, alley, park grounds, playground, basketball court, hallway, stairway, laundry or recreational room, community center, or other common area grounds, place, building or vacant lot on LACDA property.

If a non-resident violates paragraph 1 above, he or she can be served with a banning notice excluding the non-resident from the LACDA development for twelve (12) consecutive months. At the time the non-resident is served, he or she will be requested to sign a form acknowledging receipt of the banning notice. A proof of service form indicating service of the banning notice on the non-resident shall be completed. A form documenting the incidents leading to the service of the banning notice shall also be completed.

Residents known to associate with the banned non-resident shall receive notice of the person banned from LACDA property in the form of a letter from the LACDA. The letter will also state that pursuant to the resident's Lease Agreement, the resident, or member of the resident's household, shall not allow the person who has been excluded to be a guest of the resident in the LACDA development.

A list of banned non-residents will be distributed to LACDA management and staff, security personnel and law enforcement, as appropriate.

If a banned non-resident comes on the LACDA development, he or she may be cited for trespass. If the banned non-resident comes on the LACDA development with a resident who has received notice of the person's banned status, the resident will receive a lease violation. If the resident has not received notice, the resident will be provided notice and warned about future activities with the banned non-resident.

Pursuant to the Banning Policies and Procedures, a resident receiving a lease violation for violating this regulation will have his or her historical file reviewed to determine the subsequent course of action.

#### C. BREACH OF THE LEASE

One violation of the Banning Regulation by any household member of a unit shall constitute a minor breach of the Lease Agreement. Two or more violations of the Banning Regulation within a 12-month period of time by any household member (in any combination) shall constitute a material breach of the Lease Agreement and shall be sufficient grounds for termination of the Lease Agreement.

#### D. NOTICES AND RECOMMENDATIONS

Once a resident is notified, in writing, of a non-resident being banned from the LACDA's property, the resident is deemed to have been put on notice that pursuant to their Lease Agreement they are prohibited from allowing a person who has been banned from LACDA property to be a guest of the resident at the housing development. If a resident is observed associating with a banned nonresident on the housing development, he or she will be cited for a lease violation.

First Violation: Written notice shall be served on the head of household, by the LACDA, advising of the lease violation. The notice shall constitute a WARNING to the head of household that subsequent violations may result in termination of the Lease Agreement.

Second Violation: Written notice of a second lease violation shall be served on the head of household and shall provide an opportunity for counseling for the head of household and household members. The Property Manager shall schedule an appointment for said counseling with ten (10) days of the second violation notice.

Third Violation: A Thirty-Day Notice to Quit will be served on the head of household if more than two violations are issued within a twelve (12) month period.

Each violation will be thoroughly documented, including dates the notices were issued and each counseling session with the family.

#### E. ENFORCEMENT

##### Security Personnel/Law Enforcement

Security personnel and law enforcement personnel contracted to provide services at the various housing developments shall participate in the enforcement of the Banning Regulation. Such enforcement shall include:

1. Violation Recognition: Should security/law enforcement officers observe a non-resident banned from the housing development in or about the LACDA complex, said officers shall have the authority to inquire of the individual(s) as to their identity, whether they are guest(s) of a resident, and their reason(s) for being on the property. The purpose of this inquiry is to determine whether a resident is subject to a lease violation, or a non-resident is subject to a trespass citation.
2. Citing Violations: Upon determining that an individual or individuals is in violation of the Banning Regulation, the security/law enforcement officer may so inform the resident and/or non-resident of the violation. The officer may then issue a written citation. One copy of the citation shall be filed with the Property Manager for the development, and the security/law enforcement officer shall maintain a copy.

F. ENFORCEMENT BY RESIDENT MANAGERS

Resident Managers shall participate in the enforcement of the Banning Regulation by observing and reporting. Should Resident Managers observe a resident in violation of the Banning Regulation, the incident should be immediately documented, including the date, time, location, person's name (if known), and number of times the person has been observed in violation of the Banning Regulation. Such documentation should be recorded in the resident's file and a memorandum concerning the Banning Violation(s) send to the Property Manager.

G. ENFORCEMENT BY MANAGEMENT

Area Managers and Property Managers shall have the authority to serve citations for violations of the Banning Regulation.

H. GRIEVANCE PROCEDURE

LACDA residents shall have the right to request a grievance in response to actions taken by the LACDA concerning issuance of a Banning Notice or violations of the Banning Regulation.

The LACDA Grievance Procedure is subject to the 24 CFR Part 966, revised as of April 1, 1985, and as further amended. Residents shall follow the grievance procedures as set forth in the ACOP.

## Chapter 19

### LIMITED ENGLISH PROFICIENCY (LEP)

#### INTRODUCTION

In accordance with federal, state, and local law, specifically Executive Order 13166, HUD LEP Guidance, the LACDA will provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). This chapter describes how the LACDA will undertake reasonable efforts to provide or arrange free language assistance for its LEP public housing applicants or residents as well as the general public.

#### A. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The LACDA is required to provide LEP services based on the balancing of the following four-factor analysis:

1. The number or proportion of LEP persons served or likely to be encountered by the LACDA.
2. The frequency with which with LEP persons using a particular language come into contact with the LACDA.
3. The nature and importance of the LACDA program, activity or service to the person's life.
4. The LACDA's resources available and the cost of providing meaningful access.

The LACDA will annually assess and update the four-factor analysis in accordance with Section C "Monitoring".

#### B. LANGUAGE ASSISTANCE

1. An LEP applicant or resident is entitled to language assistance with respect to LACDA programs and activities.
2. LACDA staff will provide language assistance to LEP applicants and residents who have difficulty communicating in English, identify themselves as LEP, or who request language assistance.

Applicants will be asked at the time of application and residents will be asked at the time of annual reexamination to designate their primary language for both oral and written services and whether LEP services are needed.

3. Interpretive (Oral) Services

LEP applicants and residents have the right to free interpreter services when the individual states a need or staff observes difficulty in communicating in English, whether or not the language they speak is considered a threshold language. Once a person is identified as LEP, interpreter services will be made available in all communication with or from the LACDA.

4. Translation of Documents

- a. The LACDA will consider the following factors in determining whether a document requires translation:
  1. The document meets the threshold of a “vital document”. Per the HUD guidance, “vital documents” are those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically.
  2. The costs and benefits of translating documents for potential LEP groups, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the literacy rate in an LEP group and other relevant factors. The LACDA will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible group of beneficiaries or potential beneficiaries (for example, 5 percent of households living in LACDA housing developments) or 1,000 persons, whichever is less.

Documents deemed “vital” by the LACDA will be translated into threshold languages.

- b. In consideration of the above, the LACDA will annually assess its documents to identify any vital documents that need to be translated (please refer to Appendix A for the list of currently translated “vital documents”). As the LACDA continues to translate further public housing “vital documents”, Appendix A will be updated on an annual basis. The LACDA will then translate a portion of those documents identified every year as financially feasible. If the vital document has not been translated, the LACDA will provide the applicant or resident with oral translation.
- c. As opportunities arise, the LACDA may work with other local Public Housing Authorities (PHAs) to share the costs of translating common documents.
- d. As HUD continues to translate standard housing documents in multiple languages, the LACDA will replace its translated versions with the official HUD versions. The LACDA encourages HUD to provide this service to PHAs and other federally funded agencies whose limited resources hinder their LEP efforts.

5. Audiovisual Materials

The LACDA will make reasonable efforts to produce multiple translations of audiovisual materials it may use to inform or educate applicants, residents and other client groups. For example, the LACDA will translate material to be presented at community or other meetings into threshold languages. If this is not possible, interpreters will be used to provide simultaneous interpretation/translation.

6. Formal Interpreters

- a. To provide meaningful access for LEP applicants or residents, the LACDA will provide qualified interpreters, including agency bilingual staff and outside vendors to all identified LEP individuals or upon request.
- b. The LACDA may require an interpreter to certify that he/she understood the matter communicated and rendered is a competent interpretation.
- c. Only Formal Interpreters will be used at:
  - i. Informal hearing(s) for denial of admission to public housing;
  - ii. Informal conferences and formal hearings.

Informal interpreters will not be used in lieu of formal interpreters provided by the LACDA.

- d. A LACDA staff interpreter may not be a subordinate to the person making the decision and will not be an LACDA staff person participating in the informal conference or formal hearing.
- e. The LACDA maintains a list of qualified, bilingual employees who have applied for, and tested for proficiency in interpreting and/or translating language from English into a language other than English. Those employees receive additional compensation for demonstrating non-English language proficiency and can provide assistance to LACDA staff and LEP clients as part of their regular job duties.

7. Informal Interpreters

Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP individual. The use of informal interpreters is strongly discouraged. Minor children may not act as informal interpreters. If the LEP individual wishes to rely solely on an informal interpreter, LACDA staff will determine whether it is appropriate depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters may not be an appropriate option to provide accurate interpretations. There may be issues of confidentiality, competency or

conflict of interest. In these cases, the LACDA may require the use of a formal interpreter despite the wish of the LEP individual to rely solely on his or her informal interpreter.

- a. The LACDA will always offer a free interpreter. An LEP person may use an informal interpreter of his/her own choosing and at his/her expense, either in place of or as a supplement to the free language assistance offered by the LACDA. If possible, the LACDA will accommodate an LEP client's request to use an informal interpreter in place of a formal interpreter.
- b. If an LEP client prefers an informal interpreter, after the LACDA has offered free interpreter services, the informal interpreter may interpret. In these cases the client and interpreter will be asked to sign a waiver refusing interpreter services.
- c. If an LEP client wants to use his/her own informal interpreter, the LACDA reserves the right to also have a formal interpreter present.

#### 8. Outside Resources

- a. Outside resources may include competent community volunteers, competent LACDA residents or competent Housing Choice Voucher/Section 8 participants.
- b. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.
- c. The LACDA will establish and maintain relationships with organizations that assist specific cultural and ethnic groups living in Los Angeles County. To help their clients obtain or keep housing assistance through the LACDA, these organizations may provide qualified interpreters for LEP persons.

#### C. MONITORING

1. The LACDA will review and revise this LEP Policy annually. The review will include:
  - a. Reports from the LACDA's software system on the number of LEP clients. Such reports may be supplemented by staff observations.
  - b. A determination as to whether 5 percent or 1,000 public housing residents or persons from the public housing waiting lists speak a specific language, which triggers consideration of document translation needs as described above.
  - c. Review of demographic data that indicates prevalent languages in Los Angeles County.



- d. Analysis of staff requests for formal interpreters: the number of requests, the languages requested, the costs, etc.
- e. Analysis of the frequency in which informal interpreters are used over formal interpreters.

D. LEP PLAN DISTRIBUTION AND TRAINING

The LACDA will ensure the LEP policy is distributed to the public and complied with by all staff by:

1. Distributing to all LACDA staff.
2. Posting on LACDA's website at [www.lacda.org](http://www.lacda.org).
3. Posting at the site Management Offices and at the LACDA Administrative Offices in appropriate threshold languages.
4. Available at the site Management Offices and at the LACDA Administrative Office. Including notices summarizing the rights of LEP individuals under this policy in application and reexamination packets.
5. Conducting in-depth training for staff that interacts directly with applicants and residents.
6. All other staff will receive at least a condensed training on LEP policies and procedures.

LEP Definitions:

1. "Applicant" includes applicants for any program administered by the LACDA.
2. "Competent" refers to a person who is proficient and has knowledge of program terminology in both the English language and the non-English language being used.
3. "Interpretation" is competently taking oral or spoken information provided in one language and accurately communicating that information orally in another language.
4. "Interpreter" is a person (not a minor) able to speak fluently and read with full understanding both in the English language and the LEP applicant or resident.
5. "Language services" or "Language Assistance" is the provision of free, competent language interpretation (oral) or translation services (written).
6. "LEP Individual" is a person who identifies as a LEP person, does not speak

English as a primary language, and who has a limited ability to read, write, speak or understand English.

7. “Oral Translation” means the oral translation of a document from English into a second language. Oral translation involves the translation of every word, not summarization. However, in oral translation, because of cultural and technical issues, further explanation may also be required and is encouraged.
8. “Resident” includes persons receiving assistance under the Public Housing Program.
9. “Threshold Language” is a language spoken by 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered to determine the need for bilingual staff and translation of documents.
10. “Translation” means converting written material from one language to another in written form.
11. “Vital documents” are those that are critical for ensuring meaningful access by LEP persons to the rental assistance programs administered by the LACDA.

## GLOSSARY

### A. TERMS USED IN DETERMINING RENT

#### ANNUAL INCOME (24 CFR 5.609)

Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head of household/co-head and/or spouse/marital-type partner (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, nonrecurring, or sporadic as defined in this section, or income that is specifically **excluded** by other federal statute.

#### ADJUSTED INCOME

Annual income, less allowable HUD deductions.

*Note: Under the Continuing Resolution, Public Housing programs are permitted to adopt other adjustments to earned income for residents of Public Housing but must absorb any resulting loss in rental income. Income exclusions and inclusions are included in Chapter 5.*

All Families are eligible for the following:

Child Care Expenses: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the LACDA when the expense is incurred to permit education.

Dependent Deduction. An exemption of \$480 for each member of the family residing in the household (other than the head of household/co-head and/or spouse/marital-type partner, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.

Disabled Person Expenses. A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for disabled family members where such expenses are necessary to permit a family member(s), including the disabled member to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to wheelchairs, lifts, reading devices for visually disabled, and equipment added to cars and vans to permit use by the disabled family member.

For non-elderly families and elderly families without medical expense: The amount

of the deduction equals the cost of all unreimbursed expenses for disabled care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for disabled care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities; insurance premiums, including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the LACDA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable.

For elderly families without disabled person expenses: The amount of the deduction shall equal total medical expenses less 3% of annual income.

For elderly families with both disabled and medical expenses: The amount of disabled assistance is calculated first, then medical expenses are added.

Elderly/Disabled Household Exemption: An exemption of \$400 per household.

## **B. HOUSING TERMS**

**ACCESSIBLE DWELLING UNITS.** When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with a physical disability.

A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is “accessible” within the meaning of this paragraph.

**ACCESSIBLE FACILITY.** All or any portion of a facility other than an individual dwelling unit used by individuals with physical disabilities.

**ACCESSIBLE ROUTE.** For persons with a mobility impairment, a continuous, unobstructed

path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

**ADAPTABILITY.** Ability to change certain elements in a dwelling unit to accommodate the needs of disabled and non-disabled persons; or ability to meet the needs of persons with different types and degrees of disability.

**ADMISSION.** Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

**ALLOCATION PLAN.** The plan submitted by the LACDA and approved by HUD under which the LACDA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances.

**APPLICANT** (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

**“AS-PAID” STATES.** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

**ASSETS.** (See Net Family Assets.)

**AUXILIARY AIDS.** Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

**CO-HEAD.** An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a Co-head or Spouse/Marital-Type Partner, but not both. A co-head never qualifies as a dependent.

**COVERED FAMILIES.** The statutory term “covered families” designates the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may, therefore, be the subject of a welfare benefit sanction for noncompliance with this obligation. “Covered families” means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse/marital-type partner, who is under 18 years of age or is a Disabled Person or is a full-time student 18 years of age or older.

**DESIGNATED FAMILY.** The category of family for whom the LACDA elects to designate a development (e.g. elderly family in a development designated for elderly families) in accordance with the 1992 housing Act. (24 CFR 945.105)

**DESIGNATED SMOKING AREA.** A specified open-air area at least 25 feet from an LACDA building identified with clear signage as a “Designated Smoking Area”.

**DISABILITY ASSISTANCE EXPENSE.** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

**DISABILITY.** This term is used where “handicap” was formerly used.

**DISABLED FAMILY.** A family whose head of household/co-head and/or spouse/marital-type partner, or sole member is a person with disabilities. A disabled family may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides

**DISABLED PERSON.** See **Person with Disabilities.**

**DISALLOWANCE.** Exclusion from annual income.

**DISPLACED FAMILY.** A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster relief laws.

**DOMICILE.** The legal residence of the head of household/co-head and/or spouse/marital-type partner as determined in accordance with State and local law.

**DRUG-RELATED CRIMINAL ACTIVITY.** Term means:

Drug-trafficking; or

Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). The illegal cultivation, manufacture, distribution, sale, use and/or possession of marijuana with the intent to cultivate, manufacture, distribute, sell, and/or use of marijuana for recreational and/or medical reasons also constitutes “drug-related criminal activity” under federal law.

**DRUG TRAFFICKING.** The illegal manufacture, sale, distribution and/or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)). \*\*Please note that marijuana for recreational and/or medical reasons is included as a controlled substance.

**ECONOMIC SELF-SUFFICIENCY PROGRAM.** Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, any other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). See the definition of work activities at Sec. 5.603(c). The new definition of the term “economic self-sufficiency program” is used in the following regulatory provisions, pursuant to the Public Housing Reform Act: family income includes welfare benefits reduced because of family failure to comply with welfare agency requirements to participate in an economic self-sufficiency program; and the requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

**ELDERLY FAMILY.** A family whose head of household/co-head and/or spouse/marital-type partner or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with one or more live-in aides.

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBLE FAMILY (Family).** A family is defined by the LACDA in the Admission and Continued Occupancy Plan.

**EXCEPTIONAL MEDICAL OR OTHER EXPENSES.** Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

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

#### **FAMILY.**

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

A single person, who is an elderly person, displaced person, a person with disabilities, near-elderly person, or any other single person; or

A group of persons residing together, and such group include, 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;
- f. The remaining member of a tenant family;
- g. A foster care arrangement, or a kingship care arrangement;
- h. Other persons, including members temporarily absent (e.g. a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family's household if they are living or will live regularly with the family;
- i. Live-In Aides may also be considered part of the applicant family's household. However, live-in aides are not family members and have no right of tenancy or continued occupancy; and
- j. Foster Care Arrangements include situations in which the family is caring for a foster adult, child or children in their home who have been placed there by a public child placement agency, or a foster adult or adults placed in the home by a public adult placement agency. For purposes of continued occupancy; the term family also includes the remaining member of a resident family with the capacity to execute a lease.

Elderly, disabled, and displaced families as defined by HUD in CFR 5.403. Other families are defined by the LACDA as follows:

A family, other than an elderly, disabled, or displaced family, is defined by the LACDA as two or more persons who intend to share residency in the public housing unit, and whose income and resources are available to meet the family's needs.

**FAMILY OF VETERAN OR SERVICE PERSON.** A family is a "family of veteran or serviceperson" when:

The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household and was a family member at the time of death.

The veteran or serviceperson, unless deceased, is living with the family or is only



temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse/marital-type partner has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family member at the time of hospitalization and there remain in the family at least two related persons.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM).** The program established by a Public Housing programs to promote self-sufficiency of assisted families, including the provision of supportive services.

**FLAT RENT.** Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the LACDA could lease the public housing unit after preparation for occupancy.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is attending school or vocational training on a full-time basis.

**GENDER.** Sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

**GENDER EXPRESSION.** A person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth.

**GENDER IDENTITY.** Actual or perceived gender-related characteristics. Each person's internal understanding of their gender, or the perception of a person's gender, which may include male, female, a combination of male or female, a gender different from the persona's sex assigned at birth or transgender.

**GENETIC INFORMATION:** With respect to an individual, information about any of the following:

- i. The individual's genetic tests;
- ii. The genetic tests of family members of the individual;
- iii. The manifestation of a disease or disorder in family members of the individuals.

**GUEST.** For the purposes of determining whether an individual's criminal activity is the responsibility of the tenant, a guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.

**HEAD OF HOUSEHOLD.** The person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HOUSING AGENCY.** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term “PHA” includes an Indian housing authority (IHA). (“PHA” and “PHA” mean the same thing.). The Los Angeles County Development Authority is referred to as “LACDA” throughout this document.

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.** The Act in which the U.S. Housing Act of 1937 was remodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PLAN.** A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

**HUD.** The Department of Housing and Urban Development or its designee.

**HUD REQUIREMENTS.** HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

**HURRA.** The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

**IMPUTED ASSET.** Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

**IMPUTED INCOME.** HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

**IMPUTED WELFARE INCOME.** The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family’s annual income. This amount is included in family annual income and, therefore, reflected in the family rental contribution based on this income.

**INCOME.** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**INCOME-BASED RENT.** The tenant rent paid to the LACDA that is based on family income and the LACDA rental policies. The LACDA uses a percentage of family income or some other

reasonable system to set income-based rents. The LACDA has broad flexibility in deciding how to set income-based rent for its tenants. However, the income-based tenant rent plus the LACDA's allowance for tenant paid utilities may not exceed the "total tenant payment" as determined by a statutory formula.

**INCOME FOR ELIGIBILITY.** Annual Income.

**INCOME TARGETING.** The HUD admissions requirement that Public Housing programs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

**INDIAN.** Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

**INDIAN HOUSING AUTHORITY (IHA).** A housing agency established either by exercise of the power of self-government of an Indian Tribe, independent of State law, or by operation of State law providing specifically for housing authorities for Indians.

**INTEREST REDUCTION SUBSIDIES.** The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR developments. Includes monthly interest reduction payments made to mortgagees of Section 236 developments and front-end loan discounts paid on BMIR developments.

**INVOLUNTARILY DISPLACED PERSON.** Involuntarily Displaced Applicants are applicants who meet the HUD definition for the local preference, formerly known as a federal preference.

**LANDLORD.** Refers to the LACDA, as either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

**LEASE.** A written agreement between an owner and an eligible family for the leasing of a housing unit.

**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who:

Is determined to be essential to the care and well-being of the person.

Is not obligated for the support of the person.

Would not be living in the unit except to provide necessary supportive services.

**LOCAL PREFERENCE.** A preference used by the LACDA to select among applicant families without regard to their date and time of application.

**LOW-INCOME FAMILY.** This definition replaces a previous statutory reference. Generally, "low-income" designates a family whose income does not exceed 80 percent of area median income, with certain adjustments.

**MARKET RENT.** The rent HUD authorizes the owner of FHA insured/subsidized multi-family

housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family development in which a portion of the total units receive development-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the development is a rental or cooperative.

**MEDICAL EXPENSES.** Those total medical expenses anticipated during the period for which Annual Income is computed, and which are not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

**MINIMUM RENT.** An amount established by the LACDA between zero and \$50.00.

**MINOR.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**MONTHLY ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances.

**MONTHLY INCOME.** 1/12 of the Annual Income before allowances.

**NEAR-ELDERLY FAMILY.** A family whose head of household/co-head and/or spouse/marital-type partner or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

**NET FAMILY ASSETS.** The net cash value, after deducting reasonable costs that would be incurred in disposing of:

- Real property (land, houses, mobile homes)
- Savings (CDs, IRA or KEOGH accounts, checking and savings accounts, precious metals)
- Cash value of whole life insurance policies
- Stocks and bonds (mutual funds, corporate bonds, savings bonds)
- Other forms of capital investments (business equipment)

Net cash value is determined by subtracting the reasonable costs likely to be incurred in selling or disposing of an asset from the market value of the asset. Examples of such costs are brokerage or legal fees, settlement costs for real property, or penalties for withdrawing saving funds before maturity.

Net Family assets also include the amount in excess of any consideration received for assets disposed of by an applicant or resident for less than fair market value during the two years preceding the date of the application or annual reexamination. This does not apply to assets transferred as the result of a foreclosure or bankruptcy sale.

In the case of disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important

considerations not measurable in dollar terms.

**NON-SMOKING AREA.** A non-smoking area includes individual units, common areas, every building and adjoining grounds including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, playground areas, entry ways, porches, balconies and patios. Smoking is strictly prohibited on all of the LACDA's properties, except for specified designated smoking areas.

**OCCUPANCY STANDARDS [Now referred to as Subsidy Standards].** Standards established by the LACDA to determine the appropriate number of bedrooms for families of different sizes and compositions.

**OTHER CRIMINAL ACTIVITY.** Any criminal activity including, but not limited to, violent criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity or employees of the LACDA.

**PARTICIPANT.** A family that has been admitted to the LACDA program and is currently assisted in the program.

**PERSON WITH DISABILITIES INCLUDES:**

1. Has a physical or mental impairment that limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning; has a record of such impairment; or being regarded as having such impairment, and includes all people covered by either federal or state law.
2. A person who has a developmental disability as defined in 42 U.S.C. 6001.
3. An "individual with disabilities", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities
4. Does not exclude persons who have AIDS or conditions arising from AIDS
5. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes)

**PREMISES.** The building or complex in which the dwelling unit is located including common areas and grounds.

**PREVIOUSLY UNEMPLOYED.** Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**PUBLIC ASSISTANCE.** Welfare or other payments to families or individuals, based on need,

which are made under programs funded, separately or jointly, by Federal, state, or local governments.

**PUBLIC HOUSING AGENCY (PHA).** A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term “PHA” includes an Indian housing authority (IHA). (“PHA” and “PHA” mean the same thing.)

**QUALIFIED FAMILY.** A family residing in public housing whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or increased earnings by a family member during participation in any economic self-sufficiency or on the job training program; or new employment or increased earnings of a family member, during or within 6 months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the LACDA in consultation with the local TANF agency and Welfare to Work programs. TANF includes income and benefits & services such as one-time payments, wage subsidies & transportation assistance, as long as the total amount over a 6-month period is at least \$500.

**QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998.** The Act which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD’s Public Housing and Section 8 assistance programs.

**RECERTIFICATION.** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

**REMAINING MEMBER OF TENANT FAMILY.** Person left in assisted housing after other family members have left and become unassisted.

**RESIDENT** is used to refer to participants in terms of their relation as a lessee to the LACDA as the landlord.

**RESIDENCY PREFERENCE.** A local preference for admission of persons who reside in a specified geographic area.

**RESPONSIBLE ENTITY.** For the public housing, Section 8 tenant-based assistance, development-based certificate assistance and moderate rehabilitation program, the responsible entity means the LACDA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

**SECRETARY.** The Secretary of Housing and Urban Development.

**SECURITY DEPOSIT.** A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

**SERVICEPERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SEX.** Includes, but is not limited to the following: pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; and breastfeeding or medical conditions related to breastfeeding. Sex also includes but is not limited to, a person's gender. "Gender" means sex and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. (Cal. Gov. Code §12926(r)(2)).

**SEXUAL ORIENTATION.** One's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

**SINGLE PERSON.** A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

**SMOKING.** The term "smoking" means inhaling, exhaling, breathing, or carrying or possessing any lighted cigarette, cigar, pipe, hookah or other prohibited tobacco and all marijuana products or similar lighted product in any manner or in any form.

**SPECIFIED WELFARE BENEFIT REDUCTION.** Those reductions of welfare agency benefits (for a covered family) that may not result in a reduction of the family rental contribution. "Specified welfare benefit reduction" means a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

**SPOUSE.** The marriage partner of the head of the household.

**SUBSIDIZED DEVELOPMENT.** A multi-family housing development (with the exception of a development owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or

Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

Direct loans pursuant to Section 202 of the Housing Act of 1959; or

Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

Payments under the Section 8 Housing Assistance Payments Program pursuant to Section

8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the development is owned by a Public Housing Agency;

A Public Housing Development.

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

**TENANT.** (Synonymous with resident) The person or persons who executes the lease as lessee of the dwelling unit.

**TENANT RENT.** The amount payable monthly by the family as rent to the LACDA.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNIT/HOUSING UNIT.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to five (5) bedrooms.

**UTILITIES.** Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

**UTILITY ALLOWANCE.** The LACDA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VERY LARGE LOWER-INCOME FAMILY.** Prior to the change in the 1982 regulations this meant a lower-income family which included eight or more minors. (Term no longer used)

**VERY LOW-INCOME FAMILY.** A Low-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

**VIOLENT CRIMINAL ACTIVITY.** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be



reasonably likely to cause, serious bodily injury or property damage.

**WAITING LIST.** A list of families organized according to HUD regulations and LACDA policy who are waiting for subsidy to become available.

**WELFARE ASSISTANCE.** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments. “Welfare assistance” means income assistance from Federal or State welfare programs and includes only cash maintenance payments designed to meet a family’s ongoing basic needs. The definition borrows from the Department of Health and Human Services’ TANF definition of “assistance” and excludes nonrecurring short-term benefits designed to address individual crisis situations. For FSS purposes, the following do not constitute welfare assistance: food stamps; emergency rental and utilities assistance; and SSI, SSDI, and Social Security.

### **C. TERMS USED IN THE NON-CITIZENS RULE**

**CHILD.** A member of the family other than the family head of household/co-head and/or spouse/marital-type partner who is under 18 years of age.

**CITIZEN.** A citizen or national of the United States.

**EVIDENCE.** Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

**PHA.** A housing authority- either a public housing agency or an Indian housing authority or both.

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

**HUD.** Department of Housing and Urban Development.

**USCIS.** The United States Citizenship and Immigration Services.

**MIXED FAMILY.** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

**NATIONAL.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NONCITIZEN.** A person who is neither a citizen nor nation of the United States.

**NONCITIZENS RULE.** Refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

**PHA.** A housing authority that operates Public Housing.

**RESPONSIBLE ENTITY.** The person or entity responsible for administering the restrictions on

providing assistance to non-citizens with ineligible immigration status (the PHA).

**SECTION 214.** Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

**SPOUSE.** Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or “co-heads.” “Co-head” is a term recognized by some HUD programs, but not by public and Indian housing programs.

**D. TERMS USED IN THE VIOLENCE AGAINST WOMEN ACT PROVISIONS**

**DOMESTIC VIOLENCE.** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 or intimate partner, 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. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**DATING VIOLENCE.** Violence committed by a person-

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

**SEXUAL ASSAULT.**

Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**STALKING.**

(A) (i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed

acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to-

- (i) that person;
- (ii) an affiliated individual.

**AFFILIATED INDIVIDUAL.** Means with respect to an individual-

- (A) a spouse/marital-type partner, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a child in the care, custody, or control of that individual); or
- (B) any individual, tenant, or lawful occupant living in the household of that individual.

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Citizen/Non-Citizen Eligibility Form – Spanish  
Declaration of Child Alimony Form – Spanish  
HUD Final Guidance  
HUD “I Speak” Language Cards  
HUD Rent Information Fact Sheet – Chinese  
HUD Rent Information Fact Sheet – Korean  
HUD Rent Information Fact Sheet – Spanish  
HUD Rent Information Fact Sheet – Vietnamese  
HUD Things You Should Know Form – Spanish  
HUD Protect Your Family from Lead – Spanish  
Kings Road Pet Policy – Russian  
Maravilla Curfew Policy – Spanish  
Maravilla Parking Policy – Spanish  
Maravilla Pet Policy – Spanish  
Rent Choice Form – Spanish  
Satellite Dish Policy – Russian  
Satellite Dish Policy – Spanish  
Public Housing Lease – Russian  
Public Housing Lease – Spanish  
Public Housing Lease – Chinese  
Personal Declaration – Spanish  
Personal Declaration – Russian  
Personal Declaration – Korean  
Personal Declaration – Chinese

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<sup>1</sup> 24 CFR 100.5



LACDA

Los Angeles County Development Authority

**ADMINISTRATIVE PLAN**

**JULY 1, 2022**



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## **Chapter 1:**

### **POLICIES AND OBJECTIVES**

#### **1.1 INTRODUCTION**

In 1982, the Los Angeles County Board of Supervisors consolidated three entities – the Housing Authority, the Community Development Department, and the Redevelopment Agency – to form the Community Development Commission (CDC). On May 16, 2019, the agency was officially rebranded as the Los Angeles County Development Authority (LACDA). LACDA is part of the County family, but an independent agency not a County Department. The LACDA’s core pillars include affordable housing, and community and economic development. The agency’s wide-ranging programs benefit residents and business owners in the unincorporated Los Angeles County areas and in various incorporated cities that participate in different programs (these cities are called “participating cities”). According to the 2010 U.S. Census, more than one million of the County’s nearly ten million residents live in unincorporated areas.

Over 70% of LACDA’s funding comes from the U.S. Department of Housing and Urban Development to provide subsidized housing, housing development and preservation, community development, and economic development within Los Angeles County.

Under the LACDA organizational structure, the Housing Assistance Division administers all tenant-based and project-based Housing Choice Voucher rental assistance programs.

#### **1.2 PURPOSE OF THE PLAN**

**[24 CFR §982.54(a) – §982.54(d)]**

The purpose of the Administrative Plan is to clearly outline the policies and procedures that govern the LACDA’s administration of the Section 8 Housing Choice Voucher rental assistance programs. The plan includes program requirements established by the U.S. Department of Housing and Urban Development (HUD), as well as the discretionary policies established by the LACDA.

The policies and procedures in this Administrative Plan comply with applicable local, State, and HUD and other Federal regulations, relevant memos, notices and guidelines, including fair housing and equal opportunity requirements. If applicable regulatory changes conflict with this plan, regulations will have precedence.

The LACDA adheres to the Administrative Plan in administering its Section 8 rental assistance programs. The original plan and any changes must be approved by the Board of Commissioners of the agency (the Los Angeles County Board of Supervisors), and a copy of the plan must be provided to HUD.

As much as possible, revisions and additions are published to coincide with published changes in the LACDA’s Agency Plan. Interim changes, including Board mandates and administrative updates reflecting changes in law or regulatory

requirements, will be made effective by memo from the Executive Director or designee.

### **1.3 ADDITION OF PROGRAMS**

By its approval of any LACDA action and/or resolution to apply for, participate in, or extend its participation in any program, including but not limited to, programs offered by HUD, the LACDA Board of Commissioners thereby incorporates any applicable LACDA policies and procedures as may be required by participation in the program (and as may be approved by the Board) into the Section 8 Administrative Plan as if they were originally set forth herein. Specifics on the program will be added to the Section 8 Administrative Plan at the next scheduled revision.

### **1.4 LOCAL OBJECTIVES**

#### **[24 CFR §982.1(a)]**

The LACDA's rental assistance programs are designed to achieve three major objectives:

1. To provide improved living conditions and decent, safe, and sanitary housing for very low-income families while maintaining their rent payments at an affordable level;
2. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments; and
3. To promote freedom of housing choice and spatial deconcentration of lower income and minority families.

Additionally, the LACDA's mission statement is as follows:

- To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

### **1.5 JURISDICTION**

#### **[24 CFR §982.51 and 24 CFR §982.4(b)]**

HUD authorizes the LACDA to administer its Section 8 Housing Choice Voucher and other subsidized rental assistance programs within the corporate boundaries of Los Angeles County. The LACDA's jurisdiction includes:

1. The unincorporated areas of the County, and
2. Participating cities within the County. Participating cities are defined as cities in the Los Angeles County area that have authorized the LACDA to administer rental assistance programs within their city limits.

### **1.6 RENTAL ASSISTANCE PROGRAMS**

Section 8 of the Housing and Community Development Act of 1974 established the "Section 8 Program," the first permanent Federal program for rental assistance. The program authorized a basic certificate program, as well as targeted

subprograms. As rental assistance programs developed, Congress authorized additional Section 8 programs, including a voucher program in 1987.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) required Public Housing Agencies (PHA's) to convert their certificates into vouchers and establish the Housing Choice Voucher Program as the primary rental assistance program. As a result of this conversion, the Housing Choice Voucher Program now encompasses all Section 8 rental assistance except for existing certificates under the previously offered Moderate Rehabilitation Program.

- **Moderate Rehabilitation Program:** A certificate-based rental assistance program incorporating financial options for owners doing moderate levels of rehab and upkeep to affordable housing rental units. Administration involves closing or extending expiring contracts. Chapter 20 (Moderate Rehabilitation Program) covers the details of this program.
- **Section 8 Pre-Pay/Preservation Program:** A voucher-based rental assistance program that enables existing participants, living in units in which owners have prepaid a HUD-insured mortgage loan, to remain in affordable housing. Chapter 19 (Pre-Pay/Preservation Program) covers the details of this program.
- **Project-Based Voucher Program:** The LACDA will utilize Project-Based vouchers to prevent the displacement of families and preserve affordable rents in the case of an unforeseen event.
- **Housing Choice Voucher Program:** The major rental assistance program administered by the LACDA.
  - **Note:** Unless otherwise noted, the procedures in this Administrative Plan are for the general Housing Choice Voucher Program.

As required by HUD regulations, the LACDA administers the Family Self-Sufficiency Program as a special program option for participants in the Housing Choice Voucher Program. See Chapter 18 (Special Programs) for details.

### **1.6.1 Targeted and Special Programs**

Periodically, the LACDA applies for special funding from HUD to assist targeted populations, within the Housing Choice Voucher Program.

Families admitted into a targeted program must meet all regular admission requirements with the exception of the residency requirement. Since the LACDA is required to work closely with other County departments that provide services through all of Los Angeles County, families residing outside of the LACDA's jurisdiction are allowed to participate in targeted programs. However, families may be required to move within the LACDA's jurisdiction for at least one year.

## **1.7 FAIR HOUSING AND EQUAL OPPORTUNITY POLICY** **[24 CFR §982.53 and California FEHA Act]**

It is the policy of the LACDA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing fair housing and equal opportunity in housing and employment.

The LACDA shall not deny any family or individual the opportunity to apply for or receive assistance under its rental assistance programs on the basis of race, color, sex, religion, gender, gender identity and expression, family status, national origin, marital status, ancestry, age, sexual orientation, disability, source of income, medical condition, military and veteran status, genetic information, arbitrary characteristics, or any other basis prohibited by law.

The LACDA will provide Federal, State, and local information to voucher holders during the family briefing session regarding discrimination, and the recourse available to them if they are victims of discrimination. Applicants and other voucher holders will be informed that they may file a fair housing complaint using the toll-free hotline at 1-800-669-9777 and that persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 1-800-887-8339. All fair housing information and discrimination complaint forms will be included in the voucher holder's briefing packet.

### **1.8 NON-DISCRIMINATION POLICY**

It is the policy of the Los Angeles County Development Authority (LACDA), formerly known as the Housing Authority of the County of Los Angeles, to comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*, by ensuring that housing is available to all persons without regard to race, color, religion, national origin, disability, familial status (having children under age 18), or sex. This policy means that, among other things, LACDA and its agents or employees must not discriminate in any aspect of housing, including but not limited to denying persons access to housing, because of race, color, religion, national origin, disability, familial status, or sex. Such agents and employees may not:

- a. Make unavailable or deny a dwelling to any person because of race, color, religion, national origin, disability, familial status, or sex;
- b. Discriminate against any person in the terms, conditions, or privileges of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, disability, familial status, or sex;
- c. Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, disability, familial status, or sex, or an intention to make any such preference, limitation, or discrimination, or
- d. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or



encouraged any other person in the exercise or enjoyment of, any right granted or protected by the Fair Housing Act.

Any agent or employee who fails to comply with this non-discrimination policy will be subject to appropriate disciplinary action. Any action taken by an agent or employee that results in the unequal treatment of citizens on the basis of race, color, religion, national origin, disability, familial status, or sex, may constitute a violation of state and federal fair housing laws. An individual who believes that he or she is the victim of discrimination may contact the U.S. Department of Housing and Urban Development at 1-800-669-9777, or the U.S. Department of Justice at 1-202-353-1555.

## **1.9 OPERATING RESERVES**

The Board of Commissioners shall establish the permitted uses of earned administrative fees at the time of the Annual Consolidated Operating Budget approval. The approval shall consist of the use of administrative fees for the Housing Choice Voucher Program (Section 8) administration.

The Board of Commissioners must approve the expenditure of Section 8 operating reserves in excess of \$100,000. The Executive Director may authorize allowable use of Section 8 operating reserve funds not in excess of \$100,000. The Deputy Executive Director may authorize allowable use of Section 8 operating reserve funds not in excess of \$30,000.

## **1.10 SERVICE POLICY**

### **[24 CFR §8.24]**

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the LACDA, when the LACDA initiates contact with a family including when a family applies, and when the LACDA schedules or reschedules any kind of appointments.

It is the policy of the LACDA to be service-directed in the administration of its rental assistance programs, and to exercise and demonstrate a high level of professionalism while providing housing services to all families.

The LACDA's policies and practices are designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The LACDA will inform clients of their right to a reasonable accommodation via the Admissions Application, Annual Reexamination, Voucher Briefing, and at the time of a proposed adverse action.

### **1.10.1 Providing Greater Accessibility to Persons with Disabilities**

The LACDA provides reasonable accommodations to persons with disabilities. The following is a non-exhaustive list of reasonable accommodations that may be available to a disabled person:

1. Providing office facilities which meet the requirements of Federal, State and local law with regard to accommodations for persons with disabilities;
2. Providing notice to applicants and participants that they may request a reasonable accommodation if a family member is a person with a disability;
3. Allowing the assistance of mechanical or electronic devices by applicants and participants as may be needed to facilitate communication at appointments;
4. Providing assistance in completing forms and other documents which are required by program regulations;
5. Encouraging families to utilize assistance from outside agencies in the completion of forms and documents required by the program;
6. Providing reasonable extensions of time for the completion of program requirements to the extent not prohibited by HUD regulations;
7. Providing extensions to the amount of time a family has to search for a unit with their voucher (see section 8.7.3);
8. Conducting in-home visits (or, where appropriate, telephone interviews) for persons who are unable to travel to LACDA offices due to medical conditions;
9. Maintaining Telecommunication Devices for the Deaf (TDD) phone services and publicizing their availability;
10. Providing an American Sign Language interpreter at the request of clients with a hearing impairment;
11. Providing documents in Braille, upon request;
12. Providing program documents in large font sizes upon request;
13. Providing, upon request, an appropriate meeting or conference room to accommodate a service and/or support animal;
14. Requesting HUD approval of an exception to the Fair Market Rent (FMR) or the Voucher Payment Standard, at the family's request, if a family contains a member with a disability and has a verifiable need to rent an accessible or otherwise appropriate specific unit in a specific area, but only if the unit meets the rent reasonableness requirements of the program;
15. Allow advocates to provide information as needed, but only with the permission of the person with the disability.

The following is a list of actions LACDA will take to affirmatively further fair housing for disabled persons. The LACDA is not limited only to those actions listed below to affirmatively further fair housing and may take other actions when deemed necessary and reasonable:

1. Actively and consistently examining the LACDA's programs, and proposed programs to identify any impediments to fair housing choice within the programs;

2. Resolving impediments to fair housing choice in a reasonable and timely fashion given resources available;
3. Soliciting information on the accessibility of owners' units to persons with disabilities and providing information on amenities the unit may provide persons with disabilities;
4. Providing a free internet-based housing search that lists available, accessible units;
5. Soliciting the assistance of outside agencies to provide services to persons with disabilities and to assist persons with disabilities in meeting the requirements of the Section 8 and other assisted housing programs;
6. Actively working with the County and participating cities to implement any initiatives to affirmatively further fair housing where involvement by the LACDA is necessary;
7. Providing to its Section 8 landlords information concerning their legal obligations to permit "reasonable modifications" to a rental unit at the participant's expense if the family has a member with a disability and if the modification is necessary for the person with a disability to fully enjoy the unit;
8. Requiring all outside agencies who have agreements or contracts with the LACDA to abide by Federal, State and local laws and ordinances which require accommodation for persons with disabilities and not to reject any applicant or participant on the basis of a disability;
9. Providing training to all employees on how to accommodate applicants and participants with disabilities.

The LACDA will maintain documentation of all efforts to affirmatively further fair housing.

**1.10.2 Requests for Reasonable Accommodation**  
**[24 CFR §8.28]**

The LACDA is required to make reasonable adjustments to rules, policies, practices and procedures of its programs, in order to enable a disabled applicant or participant to have an equal opportunity to use and enjoy their unit, including common areas, and to comply with program obligations.

The LACDA approves reasonable accommodation requests on a case-by-case basis, upon determination that:

- The requested accommodation is reasonable (i.e., it does not result in a fundamental alteration in the nature of the program or an undue financial and administrative burden), and
- There is an identifiable relationship between the requested accommodation and the individual's disability.

Requests for reasonable accommodation do not have to be made in writing, however it is preferred if the request is in writing to ensure the request is understood by all parties. Most requests for accommodation are verified with a

reliable, knowledgeable professional so that the LACDA can properly accommodate the need presented by the disability (see Chapter 7 for Verification of Reasonable Accommodations). Families requesting a reasonable accommodation will be notified in writing of the decision. The written decision will also include a statement informing the family of their right to dispute the decision.

### **1.10.3 Persons with an Obvious and/or Visible Disability**

Most reasonable accommodation requests are considered in accordance with the policies found in section 7.11.10. However, in accordance with the Joint Statement of the Department of Housing and Urban Development and the Department of Justice regarding Reasonable Accommodations under the Fair Housing Act, dated May 17, 2004 an Assistant Manager, Manager, Director or the ADA/504 Coordinator in the Housing Assistance Division may approve a family member's self-certification of a need for a reasonable accommodation, but only if:

- 1) The individual has an obvious and/or visible disability (such as an individual who regularly uses a wheelchair or an individual with a hearing or visual impairment);
- 2) The accommodation requested is clearly related to the individual's disability (for example, a hearing-impaired person requests a sign language interpreter).

If a person's disability is obvious, or otherwise visible, and if the need for the requested accommodation is also readily apparent or known, Supervisory staff will not request any additional information about the requester's disability or the disability related need for the accommodation.

If Supervisory staff cannot determine whether there is a clear relationship (nexus) between the obvious disability and the need for an accommodation, the relationship (nexus) and need for the accommodation must be verified by a health care or service provider.

Supervisory staff must document the file with facts and reasoning to support acceptance of the family member's self-certification. The supervisor's approval of the self-certification takes the place of a third party verification of need for the accommodation.

### **1.10.4 General Guidelines for Exception Rents in Excess of the Regular Payment Standard**

Under no circumstances may a family initially rent a unit if the family share will exceed the affordability limits stipulated by HUD. A family may rent a unit with a lower payment standard amount while its request for an exception rent or payment standard is pending so long as the family share does not exceed the affordability limitation. If approval for an exception payment standard is provided after the start date of the HAP Contract, the payment standard is revised effective the first of the month following the date of the final written approval.

**1.10.5 Exceptions Payment Standard (120% of the FMR or Less)**

These exceptions may be granted only by a Manager or the Director of the Housing Assistance Division.

The rent for the unit must be reasonable. The family must have at least one member who qualifies as a person with a disability for the purpose of reasonable accommodation. The unit must in some specific way accommodate the disability, such as the unit's physical amenities (grab-bars, ramps, special features for the blind), structure (elevator building, ground floor unit), location (near a medical facility, place of treatment, school providing special education, close location to bus lines or other facilities) or because of other circumstances or needs attested to by the health care or service provider.

The need for the accommodation must be verified in accordance with section 7.11.10 of this Plan.

**1.10.6 Exceptions in Excess of 120% of the FMR**

All requests for exceptions to the payment standard which exceed 120 % of the Fair Market Rent must be reviewed and approved by the Director. Requests above 120% of the FMR will require a HUD Headquarters waiver of 24 CFR 982.505(d).

Approval of exception payment standards may occur only if the family share will exceed 40% of the family's Adjusted Monthly Income (AMI), and the resulting exception payment standard will be premised on the family continuing to pay 40% of AMI as the family share. The exception payment standards remain in effect until and unless a higher exception payment standard is warranted, requested and subsequently approved.

**1.10.7 Payment Standard Exceptions During the Contract Term**

During the term of a HAP Contract, the LACDA may provide an exception to the payment standard to allow the unit to remain affordable to the family so long as the unit provides an accommodation for the disability. The exception cannot be retroactive and cannot take effect until after the date of the LACDA's (or HUD's) written approval.

**1.10.8 Interactive Process**

If necessary, designated LACDA staff may engage in discussion with the family to determine what policy exception or reasonable accommodation is being requested and to identify acceptable alternative accommodations. For the Section 8 program only, upon request, if the owner refuses to allow a reasonable accommodation, the designated staff person or the 504 Coordinator may provide the family information on how to file a housing discrimination complaint and/or may refer the participant to the U.S. Department of Housing and Urban Development (HUD), Department of Fair Employment and Housing (DFEH), or a Fair Housing agency to make a complaint.

### **1.10.9 Denials & Terminations - Discretion to Consider Circumstances**

In determining whether to deny admission or terminate assistance because of action or failure to act by members of the family, the LACDA may consider mitigating circumstances relating to the disability of a family member and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act.

If the family includes a person with a disability, the LACDA's decision concerning termination or denial is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

### **1.10.10 Re-verifying the Need for Reasonable Accommodations**

Once the need for a reasonable accommodation has been verified, staff does not re-verify the need for reasonable accommodation except when there is another change in circumstances.

Examples:

- A disabled person leaves the household,
- A family member listed as disabled can no longer verify s/he is disabled,
- At inspection no medical equipment is observed in an additional room granted as an accommodation to store or use the equipment,
- The health care or service provider approving a need for a live-in aide or other reasonable accommodation has indicated that the need or the disability will be of short duration,
- The family member loses his/her disabled status, for example when a person on State disability returns to work.

### **1.10.11 Resolving Complaints Regarding Reasonable Accommodation**

Complaints or issues regarding the provision of reasonable accommodation for a person with a disability which are not resolved by the case manager are referred to the Housing Assistance Division ADA/Section 504 Coordinator who provides a preliminary review, conducts investigations, and resolves complaints and issues determinations.

## **1.11 LIMITED ENGLISH PROFICIENCY**

In accordance with federal, state and local law, specifically Executive Order 13166, HUD LEP Guidance and Sections 7290 et seq. of the California Government Codes ("Dymally-Alatore Act") the LACDA will provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP) and undertake reasonable efforts to provide or arrange free language assistance for LEP applicants or participants of the Housing Choice Voucher program and all other rental assistance programs administered by the Housing Assistance Division.

### **1.12 MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS**

Meaningful access is free language assistance in accordance with federal guidelines. The LACDA is required to provide LEP services based on the balancing of the following four-factor analysis:

1. The number or proportion of LEP persons served or likely to be encountered by the LACDA.
2. The frequency with which with LEP persons using a particular language come into contact with the LACDA.
3. The nature and importance of the LACDA program, activity or service to the person's life.
4. The LACDA's resources and the cost of providing meaningful access.

The LACDA will annually assess and update the four-factor analysis in accordance with Section 1.17 Monitoring.

### **1.13 DEFINITIONS**

1. "Applicant" includes applicants for any program administered by the Housing Assistance Division.
2. "Competent" refers to a person who is proficient and has knowledge of program terminology in both the English language and the non-English language being used.
3. "Interpretation" is competently taking oral or spoken information provided in one language and accurately communicating that information orally in another language.
4. "Interpreter" is a person (not a minor) able to speak fluently and read with full understanding both in the English language and the language of the LEP applicant or participant.
5. "Language services" or "Language Assistance" is the provision of free, competent language interpretation (oral) or translation services (written).
6. "LEP Individual" is a person who identifies as a LEP person, does not speak English as a primary language, and who has a limited ability to read, write, speak or understand English.
7. "Oral Translation" means the oral translation of a document from English into a second language. Oral translation involves the translation of every word, not summarization. However, in oral translation, because of cultural and technical issues, further explanation may also be required and is encouraged.
8. "Participant" includes persons receiving assistance under any rental assistance program administered by the Housing Assistance Division.
9. "Threshold Language" is a language spoken by 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered to determine the need for bilingual staff and translation of documents.
10. "Translation" means converting written material from one language to another in written form.
11. "Vital documents" are those that are critical for ensuring meaningful access by LEP persons to the rental assistance programs administered by the LACDA.

#### **1.14 LANGUAGE ASSISTANCE**

A Limited English Proficient (LEP) applicant or participant is entitled to language assistance with respect to the programs and activities of the LACDA.

LACDA staff will provide language assistance to LEP applicants and participants who have difficulty communicating in English, who identify themselves as LEP or who request language assistance.

Applicants will be asked at the time of application and participants will be asked at the time of annual reexamination to designate their primary language for both oral and written services and whether LEP services are needed. This information will be recorded in the electronic case file.

#### **1.15 INTERPRETIVE (ORAL) SERVICES**

LEP applicants and participants have the right to free interpreter services when the individual states a need or staff observes difficulty in communicating in English, whether or not the language they speak is considered a threshold language. Once a person is identified as LEP, interpreter services will be made available in all communication with or from the LACDA.

##### **1.15.1 Formal Interpreters**

To provide meaningful access for LEP applicants and participants, the LACDA will provide qualified interpreters, including agency bilingual staff and outside vendors to all identified LEP individuals or upon request.

The LACDA may require an interpreter to certify that he/she understood the matter communicated and rendered a competent interpretation.

- Only formal interpreters will be used at Voucher issuance briefings; and
- Informal hearings.

Informal interpreters will not be used in lieu of formal interpreters provided by the LACDA.

For informal hearings, a LACDA staff interpreter may not be a subordinate to the person making the decision.

The LACDA maintains a list of qualified, bilingual employees who have applied for, and tested for proficiency in interpreting and/or translating languages from English into a language other than English. Those employees receive additional compensation for demonstrating non-English language proficiency and can provide assistance to LACDA staff and LEP clients as part of their regular job duties.



### **1.15.2 Informal Interpreters**

Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP individual. The use of informal interpreters is strongly discouraged. Minor children may not act as informal interpreters.

If the LEP individual wishes to rely solely on an informal interpreter, the LACDA staff will determine whether it is appropriate, depending upon the circumstances and subject matter of the communication. However, in many circumstances, informal interpreters may not be an appropriate option to provide accurate interpretations. There may be issues of confidentiality, competency or conflict of interest. In those cases, the LACDA may require the use of a formal interpreter despite the wish of the LEP individual to rely solely on his or her informal interpreter.

The LACDA will always offer a free interpreter. A LEP person may use an informal interpreter of his/her own choosing and at his/her expense, either in place of or as a supplement to the free language assistance offered by the LACDA. If possible, the LACDA will accommodate a LEP individual's request to use an informal interpreter in place of a formal interpreter.

If a LEP individual prefers an informal interpreter, after the LACDA has offered free interpreter services, the informal interpreter may interpret. In these cases, the LEP individual and interpreter will be asked to sign a waiver, in the LEP individual's preferred language or through oral translation, refusing interpreter services.

If a LEP individual wants to use his/her own informal interpreter, the LACDA reserves the right to also have a formal interpreter present.

### **1.15.3 Outside Resources**

Outside resources may include competent community volunteers or competent Housing Choice Voucher participants.

Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.

The LACDA will establish and maintain relationships with organizations that assist specific cultural and ethnic groups living in Los Angeles County. To help their clients obtain or keep housing assistance through the LACDA, these organizations may provide qualified interpreters for LEP persons.

## **1.16 TRANSLATION OF DOCUMENTS**

The LACDA will consider the following factors in determining whether a document requires translation:

- a. The document meets the threshold of a "vital document". Per the HUD guidance, "vital documents" are those that are critical for ensuring

meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically.

- b. The costs and benefits of translating documents for potential LEP groups, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the literacy rate in an LEP group and other relevant factors. The LACDA will undertake this examination when an eligible LEP group constitutes 5 percent of an eligible group of beneficiaries or potential beneficiaries (for example, 5 percent of households receiving Section 8 assistance) or 1,000 persons, whichever is less.

Documents deemed “vital” by the LACDA will be translated in to threshold languages.

In consideration of the above, the LACDA will annually assess its documents to identify any additional vital documents that need to be translated. The LACDA will then translate a portion of those documents identified every year as financially feasible. If the vital document has not been translated, the LACDA will provide the applicant or participant with oral translation.

As opportunities arise, the LACDA may work with other local public housing authorities (PHAs) to share the costs of translating common documents.

As HUD continues to translate standard housing documents in multiple languages, the LACDA will replace its translated versions with the official HUD versions.

#### **1.16.1 Audiovisual Materials**

The LACDA will make reasonable efforts to produce multiple translations of audiovisual materials it may use to inform or educate applicants, participants and other client groups. For example, the LACDA will translate material to be presented at voucher issuance briefings into the threshold languages.

### **1.17 MONITORING**

The LACDA will review and revise this LEP policy annually. The review will include:

- a. Reports from the LACDA’s software system on the number of LEP clients. Such reports may be supplemented by staff observations.
- b. A determination as to whether 5 percent or 1,000 participants from LACDA-administered programs or persons from the waiting list speak a specific language, which triggers consideration of document translation needs as described above.
- c. Review of demographic data that indicates prevalent languages in Los Angeles County.

- d. Analysis of staff requests for formal interpreters: the number of requests, the languages requested the costs, etc.

### **1.18 LEP PLAN DISTRIBUTION AND TRAINING**

The LACDA will ensure the LEP policy is distributed to the public and complied with by all staff by:

1. Distributing to all LACDA staff.
2. Posting on the LACDA's website at [www.lacda.org](http://www.lacda.org).
3. Posting at the LACDA's Administrative Offices in appropriate threshold languages.
4. Including notices summarizing the rights of LEP individuals under this policy in application and reexamination packets.
5. Conducting in-depth training for staff that interacts directly with applicants and participants. All other staff will receive at least a condensed training on LEP policies and procedures.

### **1.19 FAMILY OUTREACH**

Each time the LACDA enters into an Annual Contributions Contract (ACC) with HUD for new Section 8 existing units, it will be publicized in accordance with the specification in the criteria of the Equal Opportunity Housing Plan.

The LACDA will communicate the status of housing availability to other service providers in the community; advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

Information regarding the program directed at prospective applicants/tenants will be disseminated in accordance with Equal Opportunity Housing Plan and HUD guidelines for fair housing.

### **1.20 OWNER OUTREACH**

#### **[24 CFR §982.1(a)]**

The LACDA encourages owners of decent, safe and sanitary housing units to lease to families participating in its rental assistance programs. The LACDA maintains and regularly updates a list of interested landlords and available units for its rental assistance programs. When listings from owners are received, they are compiled by LACDA staff and made available through the phone hotline, by mail, or by Internet at [www.lacda.org](http://www.lacda.org).

Ongoing marketing efforts to recruit suburban owners for participation include, but are not limited to:

1. Brochures for owners;
2. Realty Board presentations;

3. Apartment Owner Association presentations;
4. Community Center presentations; and
5. Presentation to organizations serving the disabled and other similar organizations.

The LACDA periodically evaluates the distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. Special outreach efforts will be used in order to encourage participation of those groups who would not normally apply or participate.

## **1.21 PRIVACY RIGHTS**

### **[24 CFR §5.212]**

Applicants and participants, including all adults in each household, are required to sign the HUD-9886 Form (Authorization for the Release of Information). This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

A statement of the LACDA's policy on release of information to prospective landlords will be included in the briefing packet that is provided to the family.

The LACDA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files are stored in a secure location that is only to be accessed by authorized staff.

LACDA staff will not discuss family information contained in files unless there is a business or legal reason to do so. Inappropriate discussion of family information or improper disclosure of family information will result in disciplinary action.

## **1.22 MONITORING PROGRAM PERFORMANCE**

### **[24 CFR §985]**

In order to ensure quality control, supervisory staff will review the following functions:

1. At Least 10 percent of all work completed by their staff, and
2. 100 percent of work completed by new staff for a minimum of 30 calendar days.

The LACDA's Quality Assurance Unit conducts audits of:

1. 5 percent of annual re-examinations/interim re-examinations, and
2. Minimum Housing Quality Standards (HQS) quality control inspections as dictated by Section 8 Management Assessment Program (SEMAP) Indicator #5.

The LACDA's Program Enforcement/Investigations Unit uses credit checks, and other similar tools to ensure program integrity, on a case-by-case basis.

### 1.23 **TERMINOLOGY**

[24 CFR §982.4(b); §5.100 §5.2003 and §8.3; and Cal. Gov. Code 12926]

- **“Affiliated Individual”** is defined to mean with respect to an individual,
  - A spouse, parent, brother, sister, or child of that individual, or a person whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
  - Any individual, tenant, or lawful occupant living in the household of that individual.
- **“Bifurcate”** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.
- **“Covered Person”** is defined as a tenant, any member of the tenant’s household, a guest or another person under the tenant’s control.
- **“Covered Housing Provider”** refers to the individual or entity under a covered housing program, and as defined by each program in its regulation, that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities.
- **“Dating Violence”** is defined as 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:
    - The length of the relationship;
    - Type of relationship; and
    - Frequency of interaction between persons involved in the relationship.
- **“Domestic Violence”** is defined as felony or misdemeanor crimes of violence committed by:
  - A current or former spouse or intimate partner of the victim;
  - A person with whom the victim shares a child in common;
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

- A person similarly situated to a spouse of the victim under local and state domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person's acts under local and state domestic or family violence laws.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

- **"Elderly family"** means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aids.
- **"Family"** refers to a single person or group of persons, who may include an elderly person(s), displaced person(s), disabled person(s), near-elderly person(s) or any other single person(s), or the remaining members of a tenant family; and is used interchangeably with "applicant" or "participant" and can refer to a single person family. "Tenant" refers to participants in terms of their relation to landlords See section 2.3 for full definition.
- **"Financial Aid"** means any assistance that an individual receives:
  - Under the Higher Education Act of 1965;
  - From private sources;
  - From an institute of higher education.

Such financial aid may include federal, state, and local grants and scholarships (athletic and academic), fellowships and student educational financial assistance from parents, guardians, or other persons residing outside of the student family household.

Types of financial aid under the Higher Education Act of 1965 would include: the Pell Grant, the Federal Supplemental Education Opportunity Grant (FSEOG), Academic Achievement Incentive Scholarships, State assistance under the Leveraging Educational Assistance Partnerships Program, the Robert C. Byrd Honors Scholarship Program, and federal Work-Study (FWS) programs.

- **"Gender expression"** – means a person's gender-related appearance or behavior, or the perception of such appearance or behavior, whether or not stereotypically associated with the person's sex assigned at birth. (Cal. Gov. Code §12926(q)(C)(2))
- **"Gender identity"** - means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

- **“Genetic Information”** - means, with respect to any individual, information about any of the following (Cal. Gov. Code §12926(g)(1)):
  - i. The individual’s genetic tests;
  - ii. The genetic tests of family members of the individual;
  - iii. The manifestation of a disease or disorder in family members of the individual.
- **“Guest”** is defined as any person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.
- **“Illegal Drugs”** are defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, medical marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.
- **“Independent Student Status”** is when the income of the student’s parents is not relevant or the student can demonstrate the absence of, or his or her independence from, parents. These criteria include but are not limited to the following:
  - The individual is 24 years of age or older by December 31 of the award year;
  - The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
  - The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;
  - The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
  - The individual is a graduate or professional student;
  - The individual is a married individual;
  - The individual has legal dependents other than a spouse;
  - The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by—

- (i) A local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;
  - (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
  - (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
  - (iv) a financial aid administrator; or
  - (v) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.
- **“Juvenile Records”** means:
    - All documents filed in a juvenile court case.
    - All reports to the court prepared by probation officers, social workers, health care providers, court-appointed special advocate (“CASA”) volunteers, and other professionals that work with the child.
    - All documents made available to probation officers, social workers and CASA volunteers, in preparation of reports to the court, including, but not limited to, police reports, evaluations from counselors, evaluations from therapists, medical records, hospital records, and school records.
    - All documents, maintained in the office files of probation officers, social workers of child welfare service programs, and CASA volunteers that involve a child for whom a petition to declare a child a ward or dependent of the court has been filed.
    - Transcripts, records, or reports relating to matters prepared or released by the court, probation department or child welfare service program.
    - All documents, video or audio tapes, photographs and other evidence admitted into evidence at juvenile court hearings.
    - All documents relating to juvenile contacts or investigations that are maintained by law enforcement agency, probation department, or Department of Family Services, which are part of the juvenile case file even if juvenile court proceedings have not been initiated.
  - **“Landlord”** and **“owner”** are used interchangeably.
  - **“Other person under the tenant’s control”** is defined as a person, although not staying as a guest (as defined above) in the unit, is, or was at the time of activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily or infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.



- **“Person with a Disability”** or **“People with Disabilities”** refers to a person who has a physical or mental impairment that limits one or more major life activities such as caring for oneself, manual tasks, walking, seeing, hearing, speaking, breathing or learning; has a record of such impairment; or is regarded as having such an impairment, and includes all people covered by either federal or state law.
- **“Sex”** also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. (Cal. Gov. Code §12926(r)(2))
- **“Sexual Assault”** is defined as any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- **“Sexual orientation”** - means one’s emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality heterosexuality, or bisexuality).
- **“Stalking”** is defined:
  - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or
  - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - 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 serious emotional harm to that person, the spouse or intimate partner of that person, or a member of the immediate family of that person.
- **“Student”** is defined to mean all students enrolled either full-time or part-time at an institution of higher education.
- **“Tuition”** is defined as the amount of money charged per term, per course, or per credit. Tuition may include fees, which represents the amount covering a full academic most frequently charged to students. Required fees include all fixed sum charges that are required of such a large proportion of all students that the student who does not pay the charges is an exception.
- **“Zero Income Family”** is when a family reports to have no source of income, which includes “excluded income” such as foster care. A family that receives income such as child support and/or family support is not considered to have a zero income status.



## **Chapter 2:**

# **ADMISSION ELIGIBILITY FACTORS AND APPLICANT REQUIREMENTS**

### **2.1 INTRODUCTION**

#### **[24 CFR §982.54(d)]**

This chapter defines the criteria used by the LACDA to determine program eligibility, and the requirements that families and family members must meet in order to receive assistance under the program. This chapter also clarifies the circumstances that may lead to a denial of admission, and the process for notifying families if they are denied admission.

Family members being added to households that are currently receiving assistance are considered new applicants and are subject to the LACDA's admission and eligibility requirements.

The intent of these policies is to maintain consistency and objectivity in evaluating the eligibility of families who apply for the programs. The criteria listed in this chapter are the only factors used to review eligibility, to minimize the possibility of bias or discrimination. Selection shall be made without regard to race, color, sex, religion, gender, gender identity and expression, family status, national origin, marital status, ancestry, age, sexual orientation, disability, source of income, medical condition, military and veteran status, genetic information, arbitrary characteristics, or any other basis prohibited by law.

### **2.2 ELIGIBILITY FACTORS AND REQUIREMENTS**

#### **[24 CFR §982.201 and 24 CFR §982.552]**

In accordance with HUD regulations, the LACDA has established the following eligibility criteria, which are detailed throughout this chapter. To be eligible for admission, an applicant family must:

1. Meet the definition of a "family;"
2. Be within the appropriate income limits;
3. Be a citizen, or a non-citizen with eligible immigration status [24 CFR §5.508]; and
4. Furnish and verify valid Social Security numbers for all family members [24 CFR §5.216].

The LACDA will also deny admission as follows:

1. If applicant fails to submit required consent forms, or any other LACDA-required information to verify family eligibility, composition, or income (including birth certificates and valid state identification);
2. If applicant is in violation of other criteria listed in Section 2.8 of this chapter;

3. If the applicant is a member, officer or employee of the LACDA who formulates policy or influences decisions with respect to federally funded rental assistance programs or a public official or a member of the local governing body or member of Congress; or
4. If applicant is a student enrolled in an institution of higher learning and meets all the criteria listed in Section 2.5 of this chapter.

The LACDA's procedures regarding notification and informal reviews for applicants who are denied assistance can be found at the end of this chapter.

## **2.3 FAMILY COMPOSITION**

### **[24 CFR §982.201(c) and 24 CFR §5.403]**

The applicant must qualify as a family. The LACDA defines a family as a single person or a group of persons as follows, regardless of actual or perceived sexual orientation, gender identity, or marital status.

1. **An elderly family:** A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.
2. **A disabled family:** A family whose head, co-head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
3. **The remaining member of a tenant family:** The remaining member of a tenant family will be reassigned another bedroom size voucher, provided there is funding available.

The remaining member of a tenant family does not include a live-in aide of the former family whose service was necessary to care for the well-being of an elderly, disabled or handicapped head of household, co-head, or spouse and whose income was not included for eligibility purposes.

4. **A group of persons:** Two or more persons sharing residency, who are not categorized as an elderly or disabled family, whose income and resources are available to meet family needs.
5. **A single person:** A person who lives alone, or intends to live alone, who is not categorized as elderly, disabled, or the remaining member of a tenant family.

A child who is temporarily away from home due to placement in foster care is considered a member of the family.

### **2.3.1 Head of Household**

#### **[24 CFR §5.504]**

The head of household is considered to be the adult member of the household who is designated by the family or the LACDA as head, is wholly or partly

responsible for paying the rent, to sign program-related documents, and has the legal capacity to enter into a lease under State/local law. However, since rental assistance is provided to the entire family, it is expected that every family member will uphold the LACDA's rules and regulations. Emancipated minors who qualify under State law will be recognized as head of household.

### **2.3.2 Spouse of Head**

Spouse means the husband or wife of the head of household. The marriage partner who, in order to dissolve the relationship would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

### **2.3.3 Co-Head**

A co-head is an individual in the household who is equally responsible for the lease with the head of household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

### **2.3.4 Live-In Aides**

**[24 CFR §982.316 and 24 CFR §5.403]**

A family may include a live-in aide if the live-in aide meets the following stipulations. The live-in aide:

1. Is determined by the LACDA to be essential to the care and well-being of an elderly person or a person with a disability;
2. Is not obligated for the support of the person(s);
3. Would not be living in the unit except to provide care for the person(s); and
4. Must submit a signed Criminal Background Consent Form.

**Note:** Occasional, intermittent, multiple or rotating care givers do not meet the definition of a live-in aide. Live-in aides must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards. An additional bedroom should not be approved for these caregivers, except when the family's composition or circumstances warrant the provision of an extra bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit.

A live-in aide is different from a family member in the following:

1. An aide's income will not be used to determine eligibility of family;
2. An aide is not subject to citizenship/eligible immigrant requirements;
3. An aide is not considered a remaining member of the tenant family, which means that they are not entitled to retain the voucher if the eligible family member(s) voluntarily leave the program, are terminated from the program, or have a voucher that expires.

Relatives are not automatically excluded from being live-in aides, but they must meet all the stipulations in the live-in aide definition described above to qualify for the income exclusion as a live-in aide.

A relative who does not qualify for income exclusion as a live-in aide may qualify for other exclusions, including if a family receives income from a state agency to offset the cost of services and equipment needed to keep a developmentally disabled family member at home. For a complete list of income exclusions, refer to Section 6.4 (Income Inclusions and Exclusions).

A live-in aide may only reside in the unit with the approval of the LACDA. The LACDA will require written verification from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, and/or disabled. The verification must include the hours of care that will be provided.

The live-in aide will be subject to a criminal background check and must meet the same standard as an applicant. Please see Section 2.8 (Screening for Drug Abuse and Other Criminal Activity) for more information.

With authorization from the assisted family, the landlord and the LACDA, a live-in aide may have a family member live in the assisted unit as long as it does not create overcrowding in the unit. The LACDA will not increase the family's subsidy to accommodate the family of a live-in aide.

### **2.3.5 Changes to the Household Prior to Program Admission**

The LACDA may only transfer Head of household status to a person listed on the waiting list or application as spouse or co-head under the following circumstances:

In the event of the death of the head of household, a person already listed as the Spouse or Co-Head on the waiting list or application may request a change of the Head of Household status by submitting a signed, written request along with a copy of the death certificate of the original head of household.

In all other cases (including but not limited to divorce, separation, abandonment, medical incapacity) the head of Household status will be changed only when the original Head of Household submits to the LACDA a written release of the application to the Spouse or Co-Head, or if the Spouse or Co-Head requesting a transfer of Head of Household status submits to the LACDA legal documentation of his/her right to the application.

### **2.3.6 Multiple Families in the Same Household**

When families consisting of two families living together, (such as a mother and father, and a daughter with her own husband or children), apply together as a family, they will be treated as one-family unit.

### **2.3.7 Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 51 percent of the time will be considered members of that household. If both parents on the waiting list are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

Where court orders exist and provide guidance on custody issues, the LACDA will follow the directives outline in the court documents.

## **2.4 INCOME LIMITATIONS**

### **[24 CFR §982.201(b) and 24 CFR §5.603(b)]**

In order to be eligible for assistance, an applicant must be:

1. An extremely low-income family (a family whose gross annual income does not exceed 30 percent of the HUD-established median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area); **or**
2. A very low-income family (a family whose gross annual income does not exceed 50 percent of the median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area).
3. A low-income family (a family whose gross annual income does not exceed 80 percent of the median income for the Los Angeles-Long Beach Primary Metropolitan Statistical Area) who meets at least one of the following criteria:
  - i. Is “continuously assisted” (meaning the applicant has been receiving assistance under a program covered by the 1937 Housing Act, i.e. public housing); or
  - ii. Is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing; or
  - iii. Qualifies for assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project; or
  - iv. Qualifies for assistance as a non-purchasing family residing in a project subject to a resident homeownership program under 24 CFR §248.101.

As required by HUD regulations, 75 percent of all new admissions will be required to meet the definition of an extremely low-income family. To achieve the required balance, it may be necessary to skip over an otherwise eligible family. If this occurs, families that have been skipped over will retain the time and date of application and will be admitted as soon as an appropriate opening becomes available.

Families whose annual incomes exceed the income limit will be denied admission and offered an informal review.

#### **2.4.1 Income Limits for Other Programs**

Periodically, HUD has provided funding to the LACDA for projects involving preservation opt-outs and/or the expiration of a project based Section 8 contract. HUD provides the income limits applicable to those projects through specific regulation. The LACDA will follow HUD directives in determining admissions for such programs.

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## **2.5 ELIGIBILITY OF STUDENTS**

### **[24 CFR §5.612]**

The student rule applies to all individuals enrolled as a full or part-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential, except for a student who is living with his/her parents who are applying for or receiving section 8 assistance.

No assistance shall be provided to any individual that meets the following criteria:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is not a person with disabilities, as such term is defined in section 3(b)(3)(F) of the United States Housing Act of 1937 and was not receiving assistance under such section 8 as of November 30, 2005; and
- Is not otherwise individually eligible (determined independent from his or her parents. See section 1.22 Terminology, Independent Student Status definition), or has parents, who individually or jointly, are not eligible on the basis of income to receive assistance.

Unless the student is determined independent from his or her parents, the eligibility of a student seeking assistance will be based on both the student and the parents being determined income eligible for assistance or whether the student's parents, individually or jointly, are income eligible for assistance. Both the student's income and the parents' income must be separately assessed for income eligibility.

## **2.6 CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS**

### **[24 CFR §982.201(a) and §5.508]**

Eligibility for assistance is contingent upon a family's submission of evidence of citizenship or eligible immigration status. In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Each family member, regardless of age, must submit a signed declaration of U.S. citizenship or eligible immigration status. The LACDA may request verification of the declaration according to verification guidelines detailed in Chapter 7.

The citizenship/eligible immigration status of each member of the family is considered individually before the family's status is defined.

This requirement does not apply to foster children or live-in aides.

### **2.6.1 Mixed Families**

#### **[24 CFR §5.504]**



An applicant family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. A family that includes eligible and ineligible individuals is called a “mixed family.” Mixed family applicants will be given notice that their assistance will be prorated and that they may request a hearing if they contest this determination.

**2.6.2 No Eligible Members**

**[24 CFR §982.552(b)(4)]**

The LACDA is required to deny admission if no member of the family is a U.S. citizen or eligible immigrant. Families will be provided the opportunity to appeal the decision in an informal review.

**2.7 SOCIAL SECURITY NUMBER VERIFICATION REQUIREMENTS**

**[24 CFR §5.216(a)]**

Applicant families are required to provide verification of Social Security numbers for all family members prior to admission. If the applicant family is unable to comply with this requirement, they may retain their place on the waiting list but cannot become a participant until it can provide Social Security numbers for each member of the household.

If a child under the age of 6 years was added to the applicant household within the 6-month period prior to voucher issuance, the applicant may become a participant, so long as Social Security number verification is provided within 90-calendar days from the date of admission (HAP effective date). One additional 90-day extension must be granted, if the PHA determines (in its discretion) that the delay in providing verification is a result of uncontrollable circumstances.

The social security number verification requirement also applies to persons joining the family after the admission to the program.

The following individuals are exempt from the Social Security requirement:

- Individuals that were 62 years of age as of January 31, 2010 and that were determined eligible for the program on or before that date.
- Individuals not contending eligible immigration status.

Families who refuse to furnish verification of Social Security numbers will be denied admission to the program.

**2.8 DENIALS OF ASSISTANCE**

**[24 CFR §982.552 – §982.553]**

This section includes HUD-required mandatory screening standards that lead to the denial of assistance, as well as discretionary standards allowed by HUD to deny assistance.

These guidelines apply to applicant families, and new members being added to the household of a family currently participating in a rental assistance program administered by the LACDA. The LACDA also screens families transferring under

the portability option into its jurisdiction from other housing authorities, as authorized at 24 CFR §982.355(c)(9) and §982.355(c)(10).

### **2.8.1 Mandatory Denial of Assistance**

#### **[24 CFR §982.553(a)]**

HUD regulations requires that the LACDA deny assistance in the following cases:

1. Any member of the household has been evicted from federally assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to the eviction no longer exists (e.g. the person involved in the criminal activity no longer lives in the household).

As permitted by HUD, the LACDA will make an exception under the following circumstances:

- If the LACDA is able to verify that the household member who engaged in the criminal activity has successfully completed a supervised drug rehabilitation program after the date of the eviction.
  - If the individual that committed the crime is no longer living in the household.
  - If the circumstances leading to the eviction no longer exist (i.e. the individual responsible for the original eviction is imprisoned or is deceased).
2. Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
  3. The LACDA determines that any household member is currently engaging in the illegal use of a drug.
  4. The LACDA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
  5. Applicant(s) subject to a lifetime sex offender registration requirement.

The LACDA is required to deny admission if the applicant or any household member is subject to lifetime registration as a sex offender under a state registration program, regardless of longevity of conviction or completion of any rehabilitative program.

### **2.8.2 Other Permitted Reasons for Denial of Assistance**

The LACDA has the discretion to apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program.

1. Criminal Activity [24 CFR §982.553(a)(2)(ii)]

HUD permits, but does not require, the LACDA to deny assistance if the LACDA determines that any household member is currently engaging in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

For Fiscal Year 2017-2018, the LACDA removed its discretionary Criminal Activity prohibitions permitted under 24 CFR 982.553 and deleted them from this section. The LACDA will reevaluate this policy to be consistent with Board adopted revisions to the LACDA's Homeless preference.

2. Previous Behavior in Assisted Housing [24 CFR §982.552(c)]

HUD authorizes the LACDA to deny assistance based on the family's previous behavior in assisted housing. The LACDA will screen applicants for the following behaviors as follows:

- The family, or any household member, must not have violated any family obligations during a previous participation in a federally assisted housing program. The LACDA will review situations, on a case-by-case basis, for violations that occurred in the last 12 months.
- The family, or any household member, must not have engaged in serious lease violations while a resident of federally assisted housing or within the past 5 years had been evicted from a federally assisted housing program.
- The family, or any household member, must not be a past participant of any Section 8 or public housing program who has failed to satisfy liability for rent, damages or other amounts to the LACDA or another public housing agency, including amounts paid under a HAP contract to an owner for rent, damages, or other amounts owed by the family under the lease.

On a case-by-case basis, the LACDA will consider the nature of the debt and the amount of the debt. The LACDA may provide the applicant the opportunity to repay any such debt in full as a condition of admissions. The LACDA will not enter into a repayment agreement for this purpose.

- No family household member may have engaged in or threaten abusive or violent behavior toward LACDA personnel.

**“Abusive or violent behavior”** includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial of admission.

**“Threatening”** refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for denial.

- The family, or any household member, must not supply false, inaccurate or incomplete information on any application for federal housing programs, including public housing and Section 8. The family

may be denied for a period not to exceed 2 years from the date of such a determination by the LACDA that information which was provided was false, inaccurate or incomplete, provided that no further cause for denial exists [24 CFR §982.552(c)(2)(i)].

- The LACDA will deny admission if the applicant or any household member has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program. The LACDA may make an exception in determining admission if the family member(s) who participated or were culpable for the action do not reside in the assisted unit.
- The LACDA will not deny admission to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

### **2.8.3 Consideration of Circumstances**

#### **[24 CFR §982.553(C)(2)]**

HUD authorizes the LACDA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandatory. In accordance with PIH Notice 2015-19, the LACDA will not use an arrest record or police report as the sole basis for a decision.

When considering the circumstances of the case, the LACDA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. The LACDA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

### **2.8.4 Criminal Background Checks**

#### **[24 CFR §982.552 – §982.553, §5.903 – §5.905]**

The LACDA requests a criminal background check for all applicant household members (including live-in aides) 18 years of age and older. The criminal background check is used as a factor in screening applicants for criminal activities that would prohibit admission to the LACDA's Section 8 rental assistance programs.

All adult members of an applicant household must submit a signed Criminal Background Consent Form [24 CFR §5.903(b)], authorizing the release of criminal conviction records from law enforcement agencies. Failure to sign the consent form will result in the denial of assistance.

The LACDA is additionally authorized by HUD to obtain access to sex offender registration information, in order to prevent program admission to any household member (including live-in aides and minors) subject to a lifetime sex offender registration under a State sex offender registration program.

### **2.8.5 Requests for Criminal Records by Owners of Covered Housing for the Purposes of Screening**

#### **[24 CFR §5.903(d)]**

Owners of covered housing may request that the LACDA obtain criminal records, on their behalf, for the purpose of screening applicants. The LACDA will charge a fee in order to cover costs associated with the review of criminal records. These costs could include fees charged to the LACDA by the law enforcement agency and the LACDA's own related staff and administrative cost.

Owners must submit the following items in order for the LACDA to process criminal records. Owner requests must include:

1. A copy of a signed consent form from each adult household members, age 18 years and older. Included in the consent form must be a legible name, the date of birth, a California Identification Number, and a Social Security number. This information will be used for the sole purpose of distinguishing persons with similar names or birth dates.
2. An owner's criteria or standards for prohibiting admission of drug criminals in accordance with HUD regulations (§ 5.854 of 24 CFR Parts 5 et al.), and for prohibiting admission of other criminals (§ 5.855 of 24 CFR Parts 5 et al.).

Once the LACDA obtains criminal records, a determination will be made as to whether a criminal act, as shown by a criminal record, can be used as a basis for applicant screening. The LACDA will base its determination in accordance with HUD regulations and the owner criteria. If the owner's criteria conflicts with HUD regulations, the regulations will have precedence.

It is important to note that the LACDA will not disclose the applicant's criminal conviction record or the content of that record to the owner.

### **2.8.6 Request for Criminal Records by Section 8 Project-Based Owners for the Purposes of Lease Enforcement or Eviction**

Section 8 project-based owners may request that the public housing agency in the location of the project obtain criminal conviction records of a household member on behalf of the owner for the purpose of lease enforcement or eviction. The owner's request must include the following:

1. A copy of the consent form, signed by the household member, and

2. The owner's standards for lease enforcement and evicting due to criminal activity by members of a household.

### **2.8.7 Confidentiality of Criminal Records**

**[24 CFR §5.903(g)]**

Criminal records received by the LACDA are maintained confidentially, not misused, nor improperly disseminated and kept locked during non-business hours. All criminal records will be destroyed no later than 30 calendar days after a final determination is made.

### **2.8.8 Disclosure of Criminal Records to Family**

The applicant or family member requesting to be added to the household will be provided with a copy of the criminal record upon request and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal review. Participants may contest such records at an informal hearing [24 CFR §982.553(d)].

### **2.8.9 Explanations and Terms**

**[24 CFR §5.100]**

The following terms are used to determine eligibility when an applicant or a family member is added to an already assisted household and is undergoing a criminal background check.

- **“Covered housing”** includes public housing, project-based assistance under Section 8 (including new construction and substantial rehabilitation projects), and tenant-based assistance under Section 8.
- **“Drug”** means a controlled substance as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).
- **“Drug-related criminal activity”** means the illegal manufacture, dispensation, distribution, sale, use or possession of illegal drugs, with the intent to manufacture, dispense, distribute, sell or use the drug.
- **“Pattern”** is defined as the use of a controlled substance or alcohol if there is more than one incident during the previous 12 months. “Incident” includes but is not limited to arrests, convictions, no contest pleas, fines, and city ordinance violations.
- **“Premises”** is the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.
- **“Sufficient evidence”** may include all or a number of personal certification along with supporting documentation from the following sources 1) probation officer; 2) landlord; 3) neighbors; 4) social service workers; 5) review of verified criminal records.
- **“Violent criminal activity”** any activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to

cause, or be reasonably likely to cause, serious bodily injury or property damage. (24 CFR §5.100)

## **2.9 SUITABILITY OF FAMILY**

### **[24 CFR §982.307(a)(2)]**

The LACDA may take into consideration any admission criteria listed in this chapter in order to screen applicants for program eligibility; however, it is the owner's responsibility to screen applicants for family behavior and suitability for tenancy.

The LACDA will assist and advise applicants on how to file a complaint if they have been discriminated against by an owner.

## **2.10 DENYING ADMISSION TO INELIGIBLE FAMILIES**

### **[24 CFR §982.201(f)(1) and §982.552(a)(2)]**

Denial of assistance for an applicant family may include denying placement on the waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; and refusing to process or provide assistance under portability procedures.

Families from the waiting list who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review if they do not agree with the decision. This policy also applies to incoming families from other housing authorities that have not yet received assistance in the LACDA's jurisdiction. Please refer to Chapter 16 for more information on the informal review process.

## **2.11 PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING.**

### **[24 CFR Part 5, Subpart L]**

The Violence against Women Reauthorization Act of 2005 and 2013 (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, sexual assault, or stalking.

VAWA protections cover applicants when they are applying for admission to a covered housing program. VAWA protections are not limited to women. Victims of domestic violence, dating violence, sexual assault, or stalking are eligible without regard to sex, gender identity, or sexual orientation. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age and HUD programs must also operate consistently with HUD's Equal Access Rule, which requires that HUD assisted programs are made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

### **2.11.1 Determining Eligibility for VAWA Protections**

VAWA prohibits housing providers from denying assistance or admission, terminating participation in, or evicting a tenant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

An adverse factor refers to any factor that can be used as a basis for denying admission, terminating assistance, or evicting a tenant. However, if a denial or termination of assistance or eviction is required by a federal statute, based on a particular adverse factor, the LACDA must comply with that statute, even if the adverse factor is a direct result of domestic violence, dating violence, sexual assault or stalking.

### **2.11.2 Notification Requirement**

#### **[24 CFR §5.2005(a)(1)(i)(ii) and §5.2005(a)(2)(i)(ii)]**

The LACDA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the LACDA's regulations and policies. Therefore, the LACDA will provide all applicants with information about VAWA at the time they are denied housing assistance and at admission, specifically at the time the applicants are briefed for a voucher. provided an application for housing assistance. The LACDA will include information about VAWA in all notices of denial of assistance.

The VAWA information provided to applicants and participants will consist of the following documents:

- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.
- Form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act

### **2.11.3 Victim Documentation**

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, sexual assault or stalking must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse if safe to disclose. The documentation may consist of any of the following:

- A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, sexual assault or stalking.
- A record of a Federal, State, tribal, territorial or local law enforcement agency (such as a police report), court, or administrative agency documenting the domestic violence, dating violence, sexual assault or stalking.



- Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effect of the abuse in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and that the victim of domestic violence, dating violence, sexual assault, or stalking has signed or attested to the documentation. The victim must also sign the documentation.

The LACDA reserves the right to waive the documentation requirement if it determines that a statement of other corroborating evidence from the individual will suffice.

#### **2.11.4 Perpetrator Documentation**

When the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

- A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit.
- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provide 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.

#### **2.11.5 Conflicting Documentation**

##### **[24 CFR §5.2007(b)(2)]**

In the case where the LACDA receives conflicting certification documents from two or more members of the household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the LACDA will determine which is the true victim by requiring third-party documentation within 30 calendar days in order to resolve the conflict.

If the applicants fail or refuse to provide third-party documentation where there is conflicting evidence, the LACDA does not have to provide the tenant(s) with the protections contained in Form HUD-5380 "Notice of Occupancy Rights under the Violence Against Women Act".

#### **2.11.6 Time Frame for Submitting Documentation**

##### **[24 CFR §5.2007(a)(2)]**

The applicant must submit the required documentation with the request for an informal review. At the discretion of the LACDA, the 14-business day deadline

may be extended. The LACDA will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has lapsed.

If after reviewing the documentation provided by the applicant, the LACDA determines that the family is eligible for assistance, no informal review will be scheduled and the LACDA will move forward with the admission of the applicant family.

#### **2.11.7 VAWA Confidentiality**

##### **[24 CFR §5.2007]**

All VAWA information provided to the LACDA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, shall be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing to release the information on a time-limited basis;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- Otherwise required by applicable law.

This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed a VAWA crime against the applicant/participant.

## **Chapter 3:**

### **ADMINISTRATION OF THE WAITING LIST**

#### **3.1 INTRODUCTION**

##### **[24 CFR §982.54(d)(1)]**

This chapter describes the policies and procedures that govern the initial application, placement and denial of placement on the LACDA's waiting list. It is the LACDA's objective to ensure that the families are placed on the waiting list in the proper order so that an offer of assistance is not delayed to any family, or made to any family prematurely.

By maintaining an accurate waiting list, the LACDA will be able to perform the activities, which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

#### **3.2 HOW TO REGISTER**

Interested persons may apply online at [www.lacda.org](http://www.lacda.org), or by calling the LACDA at (626) 262-4510 or (800) 731-4663.

##### **3.2.1 Preliminary Registration Waiting List**

###### **[24 CFR §982.204(b)]**

All families wishing to receive rental assistance through a LACDA rental assistance program are initially placed on the Preliminary Registration Waiting List. This is essentially an interest list. Families are placed on the Preliminary Registration Waiting List according to the LACDA's local preferences and then by date and time of registration. Preliminary information regarding the family's address, income, family composition, and disability status is collected. However, this information is not verified until the family is placed on the Active Waiting List. Applicants receive a confirmation letter that their name has been placed on the Preliminary Registration Waiting List.

##### **3.2.2 Active Waiting List**

When the LACDA determines that there is sufficient funding to issue additional vouchers, a pool of potential new applicants is drawn from the Preliminary Registration Waiting List. Families move onto the Active Waiting List according to the LACDA's admission policies. Once a family has been placed on the Active Waiting List, they will be asked to complete an application and provide all the necessary income and eligibility forms. At this point, all information will be confirmed through a third-party. Families must meet all admissions requirements to be issued a voucher.

##### **3.2.3 Change in Circumstances**

###### **[24 CFR §982.204(b)]**

Applicants are required to notify the LACDA in writing, within 30 calendar days, when their circumstances change, including any change of address, income or family composition.

### **3.2.4 Opening the Waiting List**

#### **[24 CFR §982.206(a)]**

When the LACDA opens its waiting list, it will give public notice by advertising in one or more of the following newspapers, minority publications, and media entities.

- Los Angeles Times
- La Opinion
- The Daily News
- International Daily News
- L.A. Sentinel
- Press Telegram
- Eastern Group Publications
- Southwest Wave
- The Daily Breeze

The LACDA's public notice will contain:

- The dates, times, and locations where families may apply;
- The programs for which applications will be taken;
- A brief description of the program(s);
- A statement that public housing residents must submit a separate application if they want to apply to a rental assistance program;
- Any limitations on who may apply; and
- The Fair Housing Logo.

The notice will provide potential applicants with information that includes the LACDA's telephone number, website address, location address, information on eligibility requirements, and the availability of local preferences, if applicable. The notice will be made in an accessible format to persons with disabilities if requested.

Additional time for submission of an application after the stated deadline will be given as a reasonable accommodation at the request of a person with a disability.

### **3.2.5 Criteria Defining Who May Apply**

#### **[24 CFR §982.206(b)(1)]**

Upon opening the waiting list, the LACDA will disclose the criteria defining what families may apply for assistance under a public notice.

**3.2.6 Closing the Waiting List**

**[24 CFR §982.206(c)]**

When the LACDA closes the waiting list, the same advertising methods described above will be used.

Notification of impending closure will be provided to the public for a minimum of 30 calendar days.

**3.3 TIME OF SELECTION**

**[24 CFR §982.204(d)]**

When funding is available, families will be selected from the waiting list based on the LACDA's admission policies.

If the LACDA ever has insufficient funds to subsidize the unit size of the family at the top of the waiting list, the LACDA will not admit any other applicant until funding is available for the first applicant.

However, families may be skipped over to meet HUD-mandated income targeting requirements [24 CFR §982.201(b)]. See Section 2.4 (Income Limitations) for details.

**3.4 CROSS-LISTING OF PUBLIC HOUSING AND SECTION 8 WAITING LISTS**

**[24 CFR §982.205(a)]**

The LACDA does not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the LACDA must offer to place the family on the Section 8 waiting list. If the public housing waiting list is open at the time an applicant applies for Section 8 rental assistance, the LACDA must offer to place the family on the public housing waiting list.

**3.5 PURGING THE WAITING LIST**

**[24 CFR §982.204(c)]**

The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

When the LACDA is actively conducting outreach to applicants on the waiting list, the notification of available housing opportunities will serve as verification and will be used to purge the waiting list.

To update the waiting list, the LACDA will send an notice of update request via first class mail to a select amount or to all families on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. The notice of update request will be sent to the last address that the LACDA has on record for the family. The notice of update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in accordance with LACDA's prescribed method. Methods will include but are not limited to, responses required via logging in and providing updates through LACDA's Applicant Registration Portal or by providing updates in writing. Responses in writing will require that the response be made via delivery in person, by mail, or by fax. Responses should be postmarked or received by the LACDA no later than 21 calendar days from the date of the LACDA notification.

If the family fails to respond within the time allotted, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be resent to the address indicated. The family will have 21 calendar days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the Director of the Housing Assistance Division or designee may reinstate the family if it is determined that the lack of response was due to an administrative error, or to extenuating circumstances that are beyond the family's control. The family must be able to provide documentation of the circumstances for a decision to be rendered.

The decision to withdraw an applicant family that includes a person with a disability from the waiting list is subject to reasonable accommodation. If it is found that the applicant did not respond to the LACDA request for information or updates, and the LACDA determines that the family did not respond because of the family member's disability, the LACDA must reinstate the applicant family to their former position on the waiting list.

### **3.5.1 Removing Applicants from the Waiting List**

#### **[24 CFR §982.204(c) and §982.201(f)(1)]**

The LACDA is authorized to remove names of applicants that do not respond to requests for information or updates. The LACDA will remove an applicant's name from the waiting list when:

- The applicant does not notify the LACDA of changes in circumstances in accordance with section 3.2.3 of this plan. This includes undeliverable mail received by the Postal Service which is returned to the LACDA;
- The applicant falsifies documents or makes false statements for any reason;
- The applicant requests in writing that their name be removed; or
- The applicant does not meet either the eligibility or screening criteria for the program (see Chapter 2 and Chapter 4).

If a family is removed from the waiting list because the LACDA has determined the family is not eligible for assistance, a notice will be sent to the family's address on record. The notice will state the reason the family was removed from the waiting list and will inform the family how to request an informal review (Chapter 16).

**3.6 APPLICATION POOL**

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be a permanent file;
2. Applications equal in preference will be maintained by date and time; and
3. All applicants must meet eligibility requirements outlined in Chapter 2 (Admission Eligibility Factors and Applicant Requirements).





## **Chapter 4:**

### **ADMISSION PROCESS**

#### **4.1 INTRODUCTION**

The policies outlined in this chapter are intended to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply. The primary purpose of the intake function is to gather information about the family so that an accurate, fair, and timely decision relative to the family's eligibility may be made. As such, applicants are placed on the waiting list in accordance with this plan.

#### **4.2 APPLICATION PROCEDURES**

##### **[24 CFR §982.204(c)]**

Once the applicant is transferred from the Preliminary Registration Waiting List to the Active Waiting List, an application will be mailed to the applicant. The application is due back within 21 calendar days from the date it was mailed. If the application is returned undeliverable, the applicant will be cancelled from the waiting list (see section 3.7 for examples of exceptions to this rule).

Once an application is returned, the information provided by the applicant will be used to determine if the applicant is eligible for the program and any admissions preferences claimed.

If an applicant is ineligible based on the information provided on the application, or because they fail to return the documents by the due date, the applicant will be provided written notice of the reason for their disqualification and of their right to appeal the decision by requesting an informal review.

The application may capture the following information:

- Name of adult members and age of all members;
- Sex and relationship of all members;
- Street address and phone number;
- Mailing address;
- Amount(s) and source(s) of income received by household members;
- Information regarding disabilities relating to program requirements;
- Information related to qualification for preference(s);
- Social Security numbers;
- Race/ethnicity;
- Citizenship/eligible immigration status;
- Convictions for drug-related or violent criminal activity;
- Request for specific reasonable accommodation(s) needed to fully utilize program and services;

- Previous address;
- Current and previous landlords' names and addresses;
- Emergency contact person and address; and
- Program integrity questions regarding previous participation in HUD programs.

Applicants are required to inform the LACDA in writing within 30 calendar days of effective date of any changes in family composition, income, and address, as well as any changes in their preference status. Applicants must also comply with requests from the LACDA to update information. However, exceptions to this requirement may be found in section 3.7.

#### **4.2.1 Interview Sessions/Mailings**

The LACDA may use both mailing and interview sessions to obtain income, asset and family composition information from applicants.

#### **4.2.2 Request for Information via Mail**

During times of high activity, the LACDA will mail income and asset forms or an application to applicants. Applicants will be given 21 calendar days to complete and return all required forms. If forms are not returned in a timely manner, the applicant will receive a final notice. The final notice will provide an additional 15-day grace period. If the required forms are not returned, as specified, the application will be cancelled. The LACDA will provide additional time as a reasonable accommodation and in special circumstances such as an illness and/or death in the family.

#### **4.2.3 Application Interview Process**

During times for regular activity (average volume), the LACDA utilizes a full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the applicant, and to ensure that the information is complete.

Applicants are given two opportunities to attend an interview session. If the applicant does not respond to the second invitation, the application is cancelled. The LACDA will allow for a third interview appointment as a reasonable accommodation and in special circumstances such as illness. An applicant may also request that the LACDA assign someone to conduct the interview at the applicant's home, as a reasonable accommodation.

All applicants must complete the following requirements [24 CFR §982.551(b)(1)].

1. At minimum, the head of household must attend the interview. The LACDA requests that all adult members of the applicant family attend when possible. This assures that all members receive information regarding their obligations and allows the LACDA to obtain signatures on critical documents quicker.

2. All adult members of the applicant family must sign the HUD-9886 Form (Authorization for the Release of Information), and all supplemental forms required by LACDA.
3. Citizen declaration forms must be completed for all applicant family members, regardless of age.
4. All adult members of the applicant family must complete and sign a Criminal Background Consent/Acknowledgment Form.
5. Identification information for all members of the applicant family such as birth certificates, valid driver's licenses or State (Department of Motor Vehicles) ID cards, whichever is applicable based on the age of the family member, must be submitted for all members of the household regardless of age.

Information provided by the applicant will be verified, including citizenship status, full-time student status and other factors related to preferences, eligibility and rent calculation. Verifications must be received no more than 60 calendar days before the time of issuance.

If they are requested, exceptions for any of the above listed items will be reviewed on a case-by-case basis. Exceptions will be granted based upon hardship. Reasonable accommodations will be made for persons with disabilities. In these cases, a designee will be allowed to provide some information, but only with permission of the person with a disability.

Under both processes, all local preferences claimed on the application while the family is on the waiting list will be verified. Preference is based on current status, so the qualifications for preference must exist at the time the preference is verified, regardless of the length of time an applicant has been on the waiting list.

#### **4.2.4 Secondary Reviews/Credit Reports**

##### **[24 CFR §982.551(b)(1)]**

The LACDA may retrieve credit reports for applicants and participants on a case-by-case basis. The information contained in the credit report will be used to confirm the information provided by the family. Specifically, the credit report will be used to confirm:

- **Employment**: A credit report will list any employers that the applicant has listed in any recent credit applications. If the credit report reveals employment, for any adult household member, within the last 12 months that was not disclosed, the family will be asked to provide additional documents to clear up the discrepancy. Failure to disclose current employment may result in cancellation of the family's application.
- **Aliases**: A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of other names include a recent marriage or a divorce. If an alias has not been disclosed to the LACDA, the family will be asked to provide additional evidence of the legal identity of adult family members.
- **Current and previous addresses**: A credit report can provide a history of where the family has lived. This is particularly important because the LACDA

provides a residency preference. If the family has provided one address to the LACDA and the credit report indicates a different address, the family will be asked to provide additional proof of residency. This may include a history of utility bills, bank statements, school enrollment records for children, credit card statements or other relevant documents. Failure to provide adequate proof will result in the denial of a residency preference.

- **Credit card and loan payments:** A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans and credit card payments. The LACDA will review this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly payments) exceed the amount of income reported by the family, the LACDA will ask the family to disclose how they are currently meeting their financial obligations. Accounts that have been charged off or significantly delinquent are not included in this calculation. Failure to provide adequate proof of income will result in termination of the application.
- **Multiple Social Security numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult member of the family, the family member will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

A family will not be issued a voucher until all discrepancies between the information provided by the applicant family, and the information contained in the credit report have been cleared by the applicant family.

When discrepancies are found, the family will be contacted by telephone or by mail. The family will be provided 15 calendar days to provide the documentation necessary to clear discrepancy. At the family's request, and additional 15 calendar days may be granted.

The family may be granted additional time under a reasonable accommodation. If additional time is granted, the family will receive a letter confirming the new deadline.

When the credit report reveals multiple discrepancies that are not easily communicated over the telephone, the LACDA will set up a face-to-face interview with the applicant. The LACDA will schedule up to two interview appointments. An additional interview may be scheduled as a reasonable accommodation. Failure to appear at the interview session will result in cancellation of the application.

Additionally, failure to provide the necessary information will result in cancellation of the application.

### **4.3 SELECTION AND FUNDING SOURCES**

#### **4.3.1 Special Admission (24. CFR 982.203)**

HUD may award funding for specifically-named families living in specified types of units. The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
4. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

In these cases, the LACDA may admit such families whether or not they are on the waiting list, and if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. The LACDA must maintain records showing that families were admitted with special program funding.

#### **4.3.2 Targeted Funding (24 CFR 982.204(2))**

HUD may award the LACDA funding for a specified category of families on the waiting list. The LACDA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, the LACDA is permitted to skip families that do not qualify within the targeted category. Within this category of families, the order in which such families are assisted is determined according to the policies in Section 4.4 below.

The LACDA administers the following targeted funding programs:

- Veteran Affairs Supportive Housing (VASH) Program – VASH Program vouchers are awarded to eligible homeless veterans and their families in combination with case management and clinical services through the Department of Veterans Affairs Medical Center (VAMC) supportive services sites. The LACDA does not maintain a waiting list for the VASH Program.
- Non-Elderly Disabled (NED) Vouchers – NED vouchers are awarded to non-elderly disabled families on the HCV waiting list.
- Mainstream for Persons with a Disability- Mainstream vouchers are awarded to non-elderly disabled families on the HCV waiting list. The LACDA applies local preferences in determining the order in which Mainstream vouchers are awarded to eligible families.
- Family Unification Program (FUP) – FUP vouchers are awarded to families who are referred to the LACDA by the Los Angeles County Department of Children and Family Services. Once referred, the LACDA

places FUP applicants on its HCV waiting list. See Chapter 18 Special Programs, Specifically Section 18.4.

- Mobility Demonstration (MD) Voucher Program – For vouchers awarded under the Notice of Funding Availability (NOFA) for Fiscal Year 2020 (FR-6191-N-01), the Waiting List Local Preference is for families with at least one child aged 13 and under that live in census tracts with a family poverty rate of 30 percent or higher. Families that receive a Mobility Demonstration Voucher (MDV) will be randomly assigned to one of the treatment groups and will received mobility-related services.

As provided by Section 8 Administrative Plan Section 1.3 Addition of Programs, the LACDA will implement any applicable policies and procedures as may be required by participation in the program (and as may be approved by the Board) into this plan as if they were originally set forth herein. Specifics on the program will be added to the Section 8 Administrative Plan at the next scheduled revision.

#### **4.4 LOCAL PREFERENCES**

##### **[24 CFR §982.207]**

The LACDA is permitted to establish local preferences and to give priority to applicants that meet those criteria. All preferences will be subject to the availability of funds and all applicants will be required to meet all eligibility requirements.

In accordance with 983.261(b), the LACDA is required to give priority for continued tenant-based assistance to a project-based family that chooses to terminate their lease after the first year of occupancy, has given the owner advanced written notice of their intent to vacate, has notified the LACDA and requested to move with continued tenant-based assistance, prior to moving and only if in good standing with the Project-Based unit owner.

California State Required Priority: In accordance with California Health and Safety Code §34322.2, the LACDA will give priority to families of veterans and members of the armed forces in each of the categories below.

Local preferences are weighted highest to lowest, in the following order:

1. Families previously assisted by the LACDA whose assistance was terminated due to insufficient funding.
2. LACDA will commit 50% of expected annual voucher attrition to assist Los Angeles County-based homeless families, as follows:
  - Up to 90% of referral applications may be received from an approved Coordinated Access System and/or local service provider that assists homeless families participating in a transitional or permanent supportive housing program.
  - Up to 5% of referral applications may be received from an approved local service provider assisting homeless elderly families.

- Up to 5% of referral applications may be received from an approved local service provider assisting homeless Transitional Aged Youth (TAY) that are enrolled in an institution of higher education.

Applicants must meet all eligibility requirements. Admission will be on a first come, first served basis and is subject to funding availability.

3. **Mobility Demonstration Voucher Program.** LACDA will prioritize the 37 mobility demonstration vouchers and will commit 19 turn-over housing choice vouchers for admission to this program. Eligibility will be limited to families with at least one child aged 13 and under that live in census tracts with a family poverty rate of 30 percent or higher. Admission is subject to funding and voucher availability.
4. LACDA rental assistance program transfers approved by the Director for the following programs.
  - Families that are currently served by the LACDA in a Continuum of Care funded, permanent supportive housing project and no longer need supportive services to maintain housing stability. To be eligible for consideration, the current participant must be in good standing in LACDA's Continuum of Care Permanent Supportive Housing Program projects. The sponsor agency providing services to the participant family must provide written certification that the family does not require permanent supportive housing services to maintain housing stability.
  - Youth that are currently served in the Family Unification Program (FUP) administered by the LACDA whose FUP voucher is expiring due to the 36-month statutory time limit. To be eligible for consideration, a written certification must be received from the Los Angeles County Department of Children and Family Services (DCFS) certifying that the youth will have a lack of adequate housing as a result of the expiration of FUP voucher and needs a tenant-based voucher to ensure uninterrupted housing assistance.
  - Families that are currently served by the LACDA Housing Opportunities for Persons with AIDS (HOPWA) funding.

All program transfer preference applicants must meet eligibility requirements for the HCV program in accordance with HUD and this plan.

5. Families who live or work in the jurisdiction in the following categories that are subject to the approval by the Executive Director:
  - **Victims of Declared Disasters:** An admissions preference may be given to bona fide victims of declared disasters, whether due to natural calamity (e.g. earthquake), civil disturbance, or other causes recognized by the federal government. Victims must provide documentation to receive an admissions preference. Admissions preference may only be given within the allotted

timeframe established by the federal government. If HUD provides specific funding, the LACDA will not exceed the allocated amount.

- **Displacement Due to Government Actions:** Families or individuals who are certified as displaced due to the action of a federal government agency or local government agencies may be given an admissions preference.
- **Referrals from law enforcement agencies:** The LACDA may distribute application forms and may issue a voucher to families or single persons that are referred by law enforcement agencies. The types of referrals that will be considered include, but are not limited to:
  1. Victims of domestic violence,
  2. Involuntarily displaced to avoid reprisals,
  3. Displaced due to being a victim of a hate crime, or
  4. Victims of sex trafficking.

Law enforcement referrals must be made in writing, on law enforcement agency letterhead, and signed by the requesting officer and his or her immediate supervisor. Eligibility, including background checks, will be confirmed for all members.

4. Families that are homeless and are found eligible for a Violence Against Women Act, Emergency Transfer from the LACDA's Housing Assistance Division and Housing Operations Division rental assistance programs, subject to voucher and funding availability.
5. Elderly households who live and/or work in the LACDA's jurisdiction. Elderly households must meet the definition of an elderly family and the residency requirements of Section 4.4.1.
6. **Jurisdictional Preference:** Families who live and/or work in the LACDA's jurisdiction will be admitted before families outside of the LACDA's jurisdiction.

**Date and Time of Registration:** Families will be selected from the waiting list based on the preferences for which they qualify, and then by date and time.

#### **4.4.1 Other Preferences**

If HUD requires that the LACDA provide certain preferences or target certain populations as a condition of receiving funding, or if specific preferences or targeting is required to meet the conditions of a particular Annual Contributions Contract (ACC) or HUD grant, such preferences and targeting requirements are considered to be incorporated into this Administrative Plan effective with the signing of the ACC or upon formal acceptance of the terms of the grant or funding by the LACDA Board of Commissioners, or by the Executive Director if so empowered by the Board.



#### **4.4.2 Verification of Preferences**

##### **[24 CFR §982.207(e)]**

**Residency Preference:** Applicants who are residing in the LACDA's jurisdiction at the time of selection from the waiting list, or have at least one adult member who works or has been hired to work in the LACDA's jurisdiction.

- In order to verify that an applicant is a resident, the LACDA will require documentation of residency as shown by the following documents: current rent receipts, leases, utility bills, employer or agency records, school records, driver's licenses, state identification or credit reports.
- In cases where an adult member of the household works or has been hired to work in the LACDA's jurisdiction, a statement from the employer will be required.
- At the LACDA's discretion, verification of residency may also include other documents, certifications, or declarations as needed to verify that a family lives or works in the jurisdiction.

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

**Veteran's Preference:** Acceptable documentation regarding veteran's status will include a DD-214 (discharge documents), proof of receipt of veteran's benefits, or documentation from the Veteran's Administration.

#### **4.4.3 Final Verification of Preferences**

##### **[24 CFR §982.207(e)]**

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the LACDA will obtain necessary verifications of preference at the interview and by third-party verification.

#### **4.4.4 Preference Denial**

If the LACDA denies a preference, the LACDA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review. The applicant must request for an informal review in writing within 15 calendar days from the date of the notification. The request should also provide all information and documents supporting the applicant's request. If the preference denial is upheld as a result of the informal review, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, or for any other reason, they will be removed from the waiting list.

**4.5 DENIAL OF ASSISTANCE**

**[24 CFR §982.204(c)(1) and §982.552]**

If an application is denied due to failure to attend the initial and final interviews, or for failure to provide eligibility related information, the applicant family will be notified in writing and offered an opportunity to request an informal review. If the applicant misses two scheduled meetings, the LACDA will cancel the application and remove the applicant's name from the waiting list.

The LACDA may at any time deny program assistance to an applicant family because of actions or failure to act by members of the family such as any member of the family to sign and submit consent forms for obtaining information.

The LACDA will not deny admission of an applicant who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission.

**4.6 FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

**[24 CFR §982.301]**

If the applicant family is determined to be eligible after all applicable paperwork has been reviewed, they will be invited to attend a briefing session at which time they will receive information regarding their rights and responsibilities and they will be issued a voucher. See Chapter 8 (Voucher Issuance and Briefings) for more detail information.

## **Chapter 5: SUBSIDY STANDARDS**

### **5.1 INTRODUCTION**

#### **[24 CFR §982.402(a)]**

Program regulations require that the LACDA establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. Such standards must provide for a minimum commitment of subsidy while avoiding overcrowding. The standards in determining the voucher size must be within the minimum unit size requirements of HUD's Housing Quality Standards (HQS).

This chapter lays out the factors used in determining the voucher size issued to a family initially and when there is a move to a new unit, as well as the LACDA's procedures for handling changes in family size, selection of unit size that are different from the voucher size and requests for waivers.

### **5.2 DETERMINATION OF VOUCHER SIZE**

#### **[24 CFR §982.402]**

Subsidy standards and determination of voucher bedroom size are based upon the number of family members who will reside in the assisted dwelling unit. All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The unit size on the voucher remains the same as long as the family composition remains the same.

As required by HUD, the LACDA's subsidy standards for determining voucher size shall provide for the smallest number of bedrooms needed to house a family without overcrowding. They will be applied consistently for all families of like size and composition, in a manner consistent with fair housing guidelines and HQS.

In accordance with HUD regulations, the unit size designated on the voucher should be assigned using the following LACDA subsidy standards, which are based on two persons per bedroom:

<b><u>Number of Household Members</u></b>	<b><u>Number of Bedrooms</u></b>
<b>1-2</b>	<b>1- bedroom</b>
<b>3-4</b>	<b>2- bedroom</b>
<b>5-6</b>	<b>3- bedroom</b>
<b>7-8</b>	<b>4- bedroom</b>
<b>9-10</b>	<b>5- bedroom</b>
<b>11-12</b>	<b>6- bedroom</b>

1. At issuance, the bedroom size assigned should not require more than two persons to occupy the same bedroom. The family may choose and live within a suitable unit in any grouping that is acceptable to the family, including using the living room for sleeping purposes.
2. Every household member is to be counted as a person in determining the family unit size [24 CFR §982.402(a)(4)-(6)]. Under this definition, household members include the unborn child of a pregnant woman; any live-in aides (approved by the LACDA to reside in the unit to care for a family member who is disabled or is at least 50 years of age); a full-time student who is away from the home attending school but who spends school recess in the unit, and a child who is temporarily away from the home because of placement in foster care. A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.  
  
**Note:** An approved live-in aide is counted in determining the voucher size. Occasional, intermittent, multiple, or rotating care givers typically do not meet the definition of a live-in aide. A live-in aide must reside with a family permanently for the family unit size to be adjusted in accordance with the subsidy standards [24 CFR §982.402(7)]. For exceptions to this policy, please see Section 5.3 below.
3. An additional bedroom may be assigned if approved under a waiver by the LACDA (see Section 5.3 below).
4. If the family decides to move, the LACDA will issue a voucher based on the family's current composition.

**5.2.1 Maximum Unit Occupancy**

The maximum occupancy as determined by the LACDA is as follows:

<u>Number of Bedrooms</u>	<u>Maximum Occupancy</u>
<b>0- bedroom</b>	<b>2</b>
<b>1- bedroom</b>	<b>4</b>
<b>2- bedroom</b>	<b>6</b>
<b>3- bedroom</b>	<b>8</b>
<b>4- bedroom</b>	<b>10</b>
<b>5- bedroom</b>	<b>12</b>
<b>6- bedroom</b>	<b>14</b>

In cases where an additional person(s) joins the family and the family will continue to occupy the same rental unit, i.e. no move is involved; the LACDA will not consider the family to be over crowded if there are no more than two persons per bedroom or living/sleeping room, provided that the unit meets other HQS.

Changes to household composition must be made according to LACDA policy detailed in Section 12.5 (Changes in Family Composition).

The LACDA will not increase the family's voucher size due to additions where the family will continue to occupy the same unit, unless the family was residing in a unit larger than the voucher size. The appropriate voucher size will be applied at the annual reexamination.

If the LACDA determines that the family is overcrowded, a larger voucher will be issued to the family and the family must try to move into a larger size dwelling unit. If an acceptable unit is available for rental by the family, the LACDA must terminate the HAP contract in accordance with its terms.

### **5.3 OCCUPANCY STANDARDS WAIVER**

#### **[24 CFR §982.402(b)(8)]**

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

1. The health of a family member.
2. A reasonable accommodation to a disability.

For households that receive approval for a live-in aide, an extra bedroom will be added to the voucher size the family qualifies for without the live-in aide.

Occasional, intermittent, multiple or rotating care givers typically do not meet the definition of a live-in aide and usually do not justify any exceptions to the subsidy standards. However, a family's composition or circumstances may warrant the provision of an extra bedroom to permit disability-related overnight care and allow the family equal use and enjoyment of the unit. The LACDA will consider these requests on a case-by-case basis.

Requests based on health-related reasons must be verified, in writing, by a doctor or other medical professional. The request must specify the reason for the request and how providing a larger bedroom size would improve or accommodate the medical condition.

A Unit Supervisor who has not been involved in the initial determination will review the request, any prior determination and make a decision based on the specifics of the individual case (on a case-by-case basis). After the decision is made, a letter notifying the applicant or participant of the decision regarding the waiver will be sent by the reviewing supervisor.

Requests made as a reasonable accommodation will follow the reasonable accommodation policy as outlined in sections 1.9 and 7.11.10.

To request a larger voucher size than indicated by the subsidy standards for any other reason, the family must submit a written request within 15 calendar days of the LACDA's determination of bedroom size. The request must explain the need or justification for a larger bedroom size.

**5.4 EXCEPTIONS FOR FOSTER CHILDREN****[24 CFR §982.402(b)(8)]**

Exceptions will be made to accommodate foster children. The Los Angeles County Department of Family and Children Services (DCFS) has very specific housing guidelines that must be met by foster families. In order to assure that foster children are able to remain with designated Section 8 foster families, the LACDA will utilize the guidelines published by the Los Angeles County DCFS, or specified in a court order, in situations involving foster children.

**5.5 FLEXIBILITY OF UNIT SIZE ACTUALLY SELECTED****[24 CFR §982.402(d)]**

The family may select a dwelling unit with a different size than that listed on the voucher:

- Larger than the voucher size: The LACDA shall not prohibit a family from renting an otherwise acceptable unit because it is too large for the family, provided that the rent for the unit is comparable and the family's total rent contribution (rent to the owner plus any applicable utility costs) does not exceed 40 percent of the family's adjusted monthly income (applies only if the gross rent for the unit exceeds the payment standard).
- Smaller than the voucher size: The LACDA will allow families to request a waiver to rent an otherwise acceptable unit with fewer bedrooms than the voucher size, if the unit does not exceed maximum unit occupancy requirements.

**5.5.1 Calculating Assistance for a Different Unit Size**

To determine the family's maximum rent subsidy, the LACDA uses the payment standard for the voucher size or the selected unit size, whichever is lower [24 CFR §982.402(c)].

The utility allowance used to calculate the gross rent is based on the lower of the voucher size or the selected unit size. The LACDA may grant a higher utility allowance as a reasonable accommodation for a disabled family member, following the policies and procedures referenced in sections 1.9.1, 1.9.2 and 7.11.10.

## **Chapter 6:**

# **DETERMINING THE TOTAL TENANT PAYMENT AND THE ABSENCE POLICY**

### **6.1 INTRODUCTION**

This chapter explains how the Total Tenant Payment (TTP) is calculated at admission and during annual re-examinations. It covers LACDA and HUD standards used to calculate income inclusions and deductions.

This chapter also provides the LACDA's definition of absence of household members and explains how the presence or absence of household members can affect the TTP.

The policies outlined in this chapter address those areas, which allow the LACDA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

### **6.2 INCOME DEFINITIONS**

- **Total Tenant Payment (TTP)**: represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected. The TTP is the greater of:
  - 30 percent of monthly adjusted income;
  - 10 percent of monthly gross income; or
  - The LACDA's minimum rent of \$50.
- **Income**: The LACDA will include income from all sources, unless otherwise specifically exempted [24 CFR §5.609(c)] through program regulations, for the purposes of calculating the TTP. In accordance with this definition, income from all sources of each member of the household is counted.
- **Annual Income [24 CFR §5.609(a)]**: The gross amount of income anticipated to be received by the family during the 12 months after certification or re-examination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.
- **Adjusted Income [24 CFR §5.611]**: The annual income minus any HUD allowable deductions.

### **6.3 INCOME DEDUCTIONS**

#### **[24 CFR §5.611(a)]**

The following deductions will be applied in the TTP calculation:

- **Dependent Allowance**: \$480 each for family members (other than the head, co-head, or spouse), who are minors, and for family members who

are 18 and older who are full-time students or who are disabled. This allowance does not apply to foster children.

- **Elderly Family or Disabled Family Allowance**: \$400 for families whose head, co-head, or spouse is 62 or over or disabled.
- **Childcare Expenses**: Deducted for children under 13, including foster children, when childcare is necessary to allow an adult member to work, search for work, or attend school (see below for details).
- **Allowable Medical Expenses**: Deducted for unreimbursed medical expenses for members of any elderly family or disabled family.
- **Disability Assistance Expenses**: Deducted for persons with disabilities if needed to enable the individual or an adult family member to work.

### **6.3.1 Childcare Expenses**

#### **[24 CFR §5.603(b) and 24 CFR §5.611(a)(4)]**

Childcare expenses for children under 13 years of age may be deducted from annual income if they enable an adult to work, search for work, or attend school full time.

In the case of a child attending school, only care during non-school hours can be counted as childcare expenses.

Families will be given a childcare allowance based on the following guidelines:

1. **Childcare to Work**: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
2. **Childcare to Search for Work**: Childcare expenses cannot exceed the current amount of income received.
3. **Childcare for School**: The number of hours claimed for childcare may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).
4. **Amount of Expense**: The LACDA will determine local average costs as a guideline. If the hourly rate materially exceeds the guideline, the LACDA may calculate the allowance using the guideline.

### **6.3.2 Medical Expenses**

#### **[24 CFR §5.611(a)(3)(i)]**

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

The LACDA will allow as medical expense the actual out-of-pocket amounts which are owed and anticipated to be paid by the family during the re-examination period. Expenses from the previous year may be analyzed to determine the amount to anticipate when other verification is not available.



Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

Acupressure, acupuncture and related herbal medicines, and chiropractic services will be considered allowable medical expenses.

## **6.4 INCOME INCLUSIONS AND EXCLUSIONS**

### **6.4.1 Income Inclusions**

#### **[24 CFR §5.609(b)]**

The LACDA considers the following to be included in the family's annual income, as required by HUD:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or .81% of the value of such assets based on the current passbook savings rate, as annually determined by the LACDA;
- (4) The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment (but see paragraph (13) under Income Exclusions);
- (5) Payments in lieu of earnings, such as unemployment, worker's compensation, and severance pay (but see paragraph (3) under Income Exclusions);
- (6) Welfare Assistance.
  - a. Welfare assistance received by the household.
  - b. The amount of reduced welfare income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement.

- c. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare income to be included as income shall consist of:
- (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
  - (ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage;
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

Regular Contributions and Gifts [24 CFR §5.609(b)(7)]

Any contribution or gift received every 3 months or more frequently will be considered a "regular" contribution or gift from the same source. This includes payments made on behalf of the family such as payments for a car, credit card bills, rent and/or utility bills and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts.

If the family's expenses exceed its known income, the LACDA will question the family about contributions and gifts. If the family indicated that it is able to meet the extra expenses due to gifts or contributions from persons outside the household, the amount provided will be included in the family's TTP.

Alimony and Child Support [24 CFR §5.609(b)(7)]

If the amount of child support or alimony received is less than the amount awarded by the court, the LACDA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount. Acceptable verification in such cases may include:

1. Verification from the agency responsible for enforcement or collection, and
2. Documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

- (8) All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, co-head,

spouse, or other person whose dependents are residing in the unit (but see paragraph (7) under Income Exclusions).

- (9) Any financial assistance, in excess of amounts received for tuition and any other required fees and charges, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for students who are living with their parents who are applying for or receiving assistance or persons over the age of 23 with dependent children. For the purpose of determining income, loan proceeds are not considered "financial assistance".
- (10) Any part of an athletic scholarship that can be used to cover housing costs must be included in the family's income.
- (11) The gross amount of Social Security (SS) and Supplemental Security Income (SSI) benefits.

#### **6.4.2 Income Exclusions**

##### **[24 CFR §5.609(c)]**

The LACDA considers the following to be excluded from the family's annual income, as required by HUD:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);

Benefits received through the Kin GAP program, a California program designed specifically for foster children who have been placed in the home of a relative are considered foster care and should be excluded.
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- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (but see paragraph (5) under Income Inclusions);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide (as defined by regulation);
- (6) Subject to paragraph (9) in Income Inclusions, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (a) Amounts received under training programs funded by HUD;

- (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (c) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - (d) A resident service stipend. This is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. This may include, but is not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time; or
  - (e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
- (9) Temporary, nonrecurring, or sporadic income (including gifts). For example, amounts earned by temporary census employees whose terms of employment do not exceed 180 days (Notice PIH 2000-1).
  - (10) Reparations payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
  - (11) Earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household, co-head, and spouse);
  - (12) Adoption assistance payments in excess of \$480 per adopted child;
  - (13) Deferred periodic payments of Supplemental Security Income, Social Security benefits and Veterans Affairs disability benefits that are received in a lump-sum payment or in prospective monthly payments;
  - (14) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
  - (15) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
  - (16) Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice will be published in the Federal Register and distributed

to PHAs identifying the benefits that qualify for this exclusion. Updates will be distributed when necessary. The following is a list of income sources that qualify for that exclusion:

- (i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7U.S.C.2017(b));
- (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f) (1), 5058);
- (iii) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- (iv) Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- (v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C.8624 (f));
- (vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6);
- (vii) The first \$2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408). This exclusion does not include proceeds of gaming operations regulated by the Commission;
- (viii) Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub.L. 109-115, section 327) (as amended);
- (ix) Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C.3056g);
- (x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established pursuant to the settlement in In Re Agent Orange Liability Litigation, M.D.L. No. 381(E.D.N.Y.);
- (xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 25 U.S.C. 1728) ;
- (xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- (xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 36 of the National Housing Act (26 U.S.C. 32(l));
- (xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);

- (xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C.12637(d));
  - (xvi) Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38U.S.C. 1802–05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811–16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821).
  - (xvii) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602(c));
  - (xviii) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C.2931 (a) (2));
  - (xix) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);
  - (xx) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f (b));
  - (xxi) Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4));
  - (xxii) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub.L. 111–269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25U.S.C. 4101 et seq.) and administered by the Office of Native American Programs;
  - (xxiii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291);
  - (xxiv) Any amounts in an “individual development account” as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107–110, 42 U.S.C. 604(h) (4));
  - (xxv) Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013–30 “Exclusion from Income of Payments under Recent Tribal Trust Settlements”(25 U.S.C. 117b(a)); and
  - (xxvi) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).
- (17) Earned Income Disallowance for persons with disabilities [24CFR5.617]
- (a) Initial 12-Month Exclusion [24CFR5.617(C)(1)]
  - (b) Second 12-Month Exclusion and Phase-In [24CFR5.617(C)2]
  - (c) Maximum 4-Year Disallowance [24 CFR 5.617(c)(3)]

- (18) The low-income subsidy (extra help) received to assist low-income persons in paying for their Medicare Prescription Drug Plan cost.
- (19) The payment amount of Social Security (SS) and Supplemental Security Income (SSI) benefits that are reduced due to prior overpayments.
- (20) Financial assistance received through the Veterans Retraining Assistance Program (VRAP) [24 CFR 5.609 (c)(6)].

### **6.4.3 Earned Income Disallowance**

#### **[24 CFR §5.617]**

When determining the annual income of a participant family that includes persons with disabilities, the determination must exclude an increase in annual income due to any of the following events:

- Employment by a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment.
  - A previously unemployed person is defined as a person who in the 12 months prior to employment has earned no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.
- An increase in income by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency program or other job-training program.
  - An economic self-sufficiency program is any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families.
- New employment or increased earnings by a family member who is a person with disabilities and who has received TANF benefits or services within the past 6 months.
  - If TANF is received in the form of monthly monetary maintenance, there is no minimum amount that must be received to be considered a participant in TANF.
  - If TANF is received in the form of one-time payments, wage subsidies and transportation assistance that add up to at least \$500 over a 6-month period, they would meet this requirement.

### **6.4.4 Earned Income Disallowance Exclusion Time Periods**

#### **[24 CFR §5.617(c)]**

1. **Initial 12-Month Exclusion**: During the initial 12-month exclusion period, the full amount of the increase in income due to employment or increase earnings is excluded. Once a family member is determined eligible for the earned income disallowance, the 24-calendar month period starts.
2. **Second 12-Months Exclusion**: During the second 12-month exclusion and phase-in period, the exclusion is reduced to half, or 50 percent, of the increase in income due to employment or increased earnings.

3. **Lifetime Limit**: A participant has a total lifetime limit of 24-consecutive months that begins once the initial exclusion is given after the qualifying event. No exclusion should be given after the lifetime limit has been reached.

## 6.5 **FAMILY ASSETS**

### **[24 CFR §5.603(b)]**

#### **6.5.1 Included Assets**

- (1) Amounts in savings and checking accounts.
- (2) Stocks, bonds, savings certificates, money market funds and other investment accounts.
- (3) Equity in real property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets and reasonable costs (such as broker fees) that would be incurred in selling the assets.

In the absence of an estimate of liquidation costs or verification of actual liquidation costs from a real estate agent or broker, the LACDA will use a standard 8% of market value to determine such costs.

- (4) The cash value of trusts that may be withdrawn by the family.
- (5) IRA, Keogh and similar retirement savings accounts, even though withdrawal would result in a penalty.
- (6) Some contributions to company retirement/pension funds.

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, include as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, include any amount the individual elects to receive as a lump sum.

- (7) Assets, which although owned by more than one person, allow unrestricted access by the applicant.
- (8) Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.

Lump-sum additions to family assets, such as inheritances, insurance payments (including lump-sum payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included as income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but



any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

- (9) Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
- (10) Cash value of life insurance policies.
- (11) Assets disposed of for less than fair market value during the two years preceding certification or re-certification.

The LACDA must count assets disposed of for less than fair market value during the 2 years preceding certification or re-examination. The LACDA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy, separation or divorce are not considered to be assets disposed of for less than fair market value.

The LACDA's minimum threshold for counting assets disposed of for less than Fair Market Value is \$5,000. If the total value of assets disposed of within a 1-year period is less than \$5,000, they will not be considered an asset.

### **6.5.2 Excluded Assets**

- (1) Necessary personal property, except as noted in #9 above at Section 6.5.1.
- (2) Interest in Indian trust lds.
- (3) Assets that are part of an active business or farming operation.

If a household member's main occupation is the business from his/her rental property, the rental property is considered a business asset and therefore excluded. If a household member's rental property is considered a personal asset and held as an investment, it is considered an included asset.

- (4) Assets not controlled by or accessible to the family and which provide no income for the family.
- (5) Vehicles especially equipped for the disabled.
- (6) Equity in owner-occupied cooperatives and manufactured homes in which the family lives.

## **6.6 CALCULATING INCOME AND FAMILY CONTRIBUTION**

### **6.6.1 "Minimum Rent" and Minimum Family Contribution**

**[24 CFR §5.630(a)(2)]**

Minimum family contribution in the LACDA's rental assistance programs is \$50 for all new contracts, including moves.

The LACDA will waive the minimum rent requirement in cases where the family documents that they do not currently have any source of income such as in the case of some homeless families. In such cases, the family will be re-evaluated in 3 months. All families are required to report changes in income within 10 calendar days.

### **6.6.2 Minimum Income**

There is no minimum income requirement. Families who report zero income may be required to complete an interim re-examination periodically, up to once a quarter, at the LACDA's discretion.

### **6.6.3 Averaging Income**

**[24 CFR §982.516(c) and 24 CFR §5.609(d)]**

When annual income cannot be anticipated for a full 12 months, the LACDA may annualize current income and conduct an interim re-examination if income changes.

If there are bonuses or overtime which the employer cannot anticipate for the next 12 months, bonuses and overtime received the previous year may be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

### **6.6.4 Utility Allowance and Utility Reimbursement Payments**

**[24 CFR §982.517]**

The utility allowance is intended to help defray the cost of utilities not included in the rent and is subtracted from TTP to establish the family's rent to the owner. The allowances are based on rates and average consumption studies, not on a family's actual consumption. The LACDA will review the Utility Allowance Schedule on an annual basis and revise it if needed (10 percent increase or decrease).

The approved utility allowance schedule is given to families along with the voucher. The utility allowance is based on the lower of the family's voucher size or the actual unit size selected.

Where families provide their own range and refrigerator, the LACDA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12-month period.

If the utility allowance exceeds the family's TTP, the LACDA will provide a utility reimbursement payment for the family each month. The check will be made out directly to the family's head of household on record.

#### **6.6.5 Reduction in Welfare Assistance**

##### **[24 CFR §5.615]**

The LACDA will impute (count) welfare income not received by the family, if the welfare assistance was reduced specifically because of:

- Fraud;
- Failure to participate in an economic self-sufficiency programs; or
- Noncompliance with a work activities requirement.

Imputed welfare income is the amount that welfare benefits are reduced.

Imputed welfare income is not included in the family's annual income, if the family was not assisted at the time of the welfare sanction.

The LACDA will include in the family's annual income the amount of the imputed welfare income plus the total amount of other annual income and the family's rent will not be reduced.

However, the LACDA will reduce the rent if the welfare assistance reduction is a result of any of the following:

- The expiration of a lifetime time limit on receiving benefits;
- The family has complied with welfare program requirements but cannot obtain employment; or
- The family member has not complied with other welfare agency requirements.

A family's request for rent reduction shall be denied upon the LACDA obtaining written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance.

#### **Offsets**

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. The new income would be subtracted from the imputed welfare income. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

**6.6.6 Prior Overpayment of Social Security (SS) and Supplemental Security Income (SSI)**

When there is a payment reduction due to prior overpayments, staff will use the net amount of the SS/SSI benefit to calculate annual income only for that period of time for which the reduction occurs.

**6.7 PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES**

**6.7.1 Applicability**

**[24 CFR §5.520(a)]**

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. Mixed family applicants are entitled to prorated assistance. Families that become mixed after June 19, 1995 by addition of an ineligible member are entitled to prorated assistance.

**6.7.2 Prorated Assistance Calculation**

**[24 CFR §5.520(c)]**

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible.

**6.8 ABSENCE POLICY**

The LACDA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the LACDA must count the income of the spouse or the head of household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the head of household or spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the household to report absences and changes in family composition. The LACDA will evaluate absences from the unit using this policy [24 CFR §982.551(i)].

**6.8.1 Absence of Entire Family**

**[24 CFR §982.312]**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the

unit, the LACDA will terminate assistance in accordance with appropriate termination procedures contained in this plan.

Families are required both to notify the LACDA before they move out of a unit and to give the LACDA information about any family absence from the unit.

Families must notify the LACDA if they are going to be absent from the unit for more than 30 consecutive calendar days.

If the family fails to notify the LACDA of an absence of longer than 30 consecutive calendar days, or if the entire family is absent from the unit for more than 60 consecutive calendar days, the unit will be considered to be vacated and the assistance will be terminated. The LACDA at all times shall reserve the right to exercise its judgment regarding extensions on family absence from the unit on a case-by-case basis. However, HUD regulations require the LACDA to terminate assistance if the entire family is absent from the unit for a period of more than 180 consecutive calendar days.

"Absence of entire family" means that no family member is residing in the unit, and the unit has not been vacated. In order to determine if the family is absent from the unit, the LACDA may:

- Write letters to the family at the unit
- Telephone the family at the unit
- Interview the owner
- Interview neighbors
- Verify if utilities are in service
- Conduct an interim HQS Inspection

If the absence which resulted in termination of assistance was due to a person's disability, and the LACDA can verify that the person was unable to notify LACDA in accordance with the family's responsibilities, and if funding is available, the LACDA may reinstate the family as a reasonable accommodation if requested by the family.

### **6.8.2 Absence of Any Member**

#### **[24 CFR §982.312(a)]**

Any member of the household will be considered permanently absent if s/he is away from the unit for 180 consecutive calendar days except as otherwise provided in this chapter.

### **6.8.3 Absence Due to Medical Reasons**

#### **[24 CFR §982.312(e)(1)]**

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, the LACDA 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 return in less than 180 calendar days, the family member will not be considered permanently absent.

If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered to be permanently absent, out of the home and removed from the family composition.

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 LACDA's "Absence of Entire Family" policy.

#### **6.8.4 Absence Due to Incarceration**

##### **[24 CFR §982.312(e)(1)]**

If the sole member of the household is incarcerated for more than 30 calendar days, s/he will be considered permanently absent and the LACDA will initiate proposed termination procedures to terminate assistance.

Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 60 calendar days. Once a family member is removed from the family composition, the family must seek LACDA approval prior to allowing the family member to re-join the assisted household. Failure to adhere to this policy can result in termination of assistance.

The LACDA will determine if the reason for any family member's incarceration is for drug-related or violent criminal activity and, if appropriate, will pursue termination of assistance for the family if deemed appropriate.

#### **6.8.5 Foster Care and Absences of Children**

##### **[24 CFR §982.551(h)(4) and 24 CFR §982.551(e)(1)]**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the LACDA will request information from the appropriate agency to determine when the child/children will be returned to the home.

If the time period is to be greater than 180 calendar days from the date of removal of the child/children, the voucher size may be temporarily reduced. If children are removed from the home permanently, the voucher size will be permanently reduced in accordance with the LACDA's subsidy standards.

#### **6.8.6 Absence of Adult**

##### **[24 CFR §982.312(e)]**

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the LACDA will immediately add the new caretaker to the household composition while eligibility is reviewed, including criminal background checks.

If the caretaker does not pass any portion of the LACDA's eligibility screening, including the criminal background check, the caretaker will be removed from the voucher. If no other caretaker is identified and the ineligible individual remains the caretaker for the children, the assistance will be terminated.

When the LACDA approves a person to reside in the unit as caretaker for the children, this person's income will be counted in the TTP for the family pending a

final disposition. The LACDA will work with the appropriate service agencies and the owner to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 180 calendar days, the person will be considered permanently absent.

If an adult family member leaves the household for any reason, the family must report the change in family composition to the LACDA within 30 calendar days.

The family will be required to notify the LACDA in writing within 30 calendar days when a family member leaves the household for any reason or moves out. The notice must contain a certification by the family as to whether the member is temporarily or permanently absent. The family member will be determined permanently absent if verification is provided.

If an adult child goes into the military and leaves the household, they will be considered permanently absent.

Time extensions may be granted as a reasonable accommodation upon request by a person with a disability.

#### **6.8.7 Students**

##### **[24 CFR §982.312(e)]**

Full time students who attend school away from the home and live with the family during school recess will be considered temporarily absent from the household. These family members will continue to be counted for the purpose of determining the family's appropriate voucher size.

#### **6.8.8 Visitors**

##### **[24 CFR §982.312(e)]**

Any person not included on the HUD-50058 who has been in the unit more than 30 calendar days, or a total of 60 calendar days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a family member.

Statements from neighbors and/or the owner will be considered in making the determination.

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and the LACDA will terminate assistance since prior approval was not requested for the addition.

In a joint custody arrangement, if the minor is in the household less than 180 calendar days per year, the minor will be considered to be an eligible visitor and not a family member.

**6.8.9 Reporting Absences**

**[24 CFR §982.551(h)(3) and §982.551(i)]**

If a family member leaves the household, the family must report this change to the LACDA, in writing, within 30 calendar days of the change and certify as to whether the member is temporarily absent or permanently absent. When available to do so, an adult family member who is leaving the household should remove him/herself in writing from the lease and voucher family composition.

The LACDA will conduct an interim re-examination for changes, which may affect the TTP in accordance with the interim policy. See Section 12.5 (Changes in Family Composition) for more information.

**6.8.10 Verification of Absence**

Please refer to Section 7.11.4 (Verification of Permanent Absence of Adult Member).



## **Chapter 7:**

### **VERIFICATION PROCEDURES**

#### **7.1 INTRODUCTION**

**[24 CFR §5.240(c), 24 CFR §5.210, 24 CFR §982.551(b)]**

HUD regulations require the LACDA to verify factors of eligibility. Applicants and program participants must furnish proof of their statements whenever required by the LACDA, and the information they provide must be true and complete. The LACDA's verification requirements are designed to maintain program integrity. This chapter explains the LACDA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in household composition. The LACDA will ensure that proper authorization from the family is always obtained before making verification inquiries.

#### **7.2 METHODS OF VERIFICATION AND TIME ALLOWED**

The LACDA will use six levels of verification methods acceptable to HUD in the following order:

**Level Six: Up-Front Income Verification (UIV) using EIV** (highest priority): This level is mandatory and will be used when available

**Level Five: Up-Front Income Verification (UIV) using a non-HUD system** (highest priority): In cases where EIV is not available, this level will be used when possible.

**Level Four: Third-party written verification** (high priority): This verification level is defined as tenant-provided documents obtained from a third-party source. The documents must be authentic, original and computer-generated. Level Four is used:

- To support the information reported through EIV/UIV,
- When there is a discrepancy between EIV/UIV and tenant-reported income,
- When EIV or other forms of UIV are not available, the LACDA will accept authentic, original, computer-generated documents as verification of income, assets or other family circumstances.

**Level Three: Third-party written verification form** (medium-low priority). The LACDA will send verification forms to third party sources when:

- There is a discrepancy between EIV/UIV and tenant-reported income and the tenant disputes the information in EIV, or
- Verification levels six through four are unavailable.

**Level Two: Third-party oral verification** (low priority). This level will be used when sending verification forms to third-party sources under Level Three is not possible or the forms are not returned in a timely manner.

**Level One: Self-Declaration** (low priority). Certification/self-declaration verification will be the last level used if verification is not possible or able to be obtained using the higher levels of verification, the LACDA may allow up to 10 calendar days for the return of third-party verification forms before using the next verification level.

### **7.3 TIMELINESS OF VERIFICATIONS**

Verifications may not be received more than 60 calendar days before voucher issuance for applicants [24 CFR §982.201(e)]. However, a voucher may be issued to a participant family without updating verifications if the annual reexamination is current (within the last 12 months). Any reported changes that require an interim reexamination will be verified and processed before a voucher is issued.

All tenant-provided documents are current if dated within 60 days of the date of receipt. Please see section 7.9 for asset verification documents exceptions.

Exception for averaging income: When using consecutive verification documents to average income, such as consecutive pay stubs, only one of the documents must be dated within 60 days of the date of receipt if the documents are also the most recent received by the family.

#### **7.3.1 Up-Front Income Verification (UIV)**

The LACDA will utilize up-front income verification tools. The use of the Enterprise Income Verification (EIV) system is mandatory and will be used whenever possible. Other UIV systems, such as the LRS system for the Temporary Assistance of Needy Families (TANF) and Work Number, will be used whenever possible when EIV is unavailable.

If there is a difference in source of income or a substantial difference (\$2400 annually or \$200 monthly) in reported income between EIV verification and family-provided documents and the tenant disputes the discrepancy or cannot provide adequate documentation to validate the discrepancy, the LACDA shall follow the guidelines below:

- The LACDA will send written third-party verification forms to the discrepant income source.
- The LACDA may review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when the LACDA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- The LACDA will analyze all data (UIV data, third-party verification documents provided by the family and verification forms returned by the discrepant income source) and attempt to resolve the income discrepancy.
- The LACDA will use the most current information available to calculate the anticipated annual income.

In cases where UIV income data is different than tenant-reported income and the tenant does not dispute the discrepancy and can provide adequate documentation to validate the discrepancy, the LACDA will use the written third-party documents provided by the family to calculate the anticipated annual income.

### **7.3.2 Third-Party Written Verification**

Third-party written verification is defined as original, authentic, computer-generated documents from a third-party source, but obtained from the family. All documents will be photocopied and retained in the family file. The LACDA will accept the following documents, among others, from the family, provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Letters printed on official letterhead

Third-party written verification documents will be used to support the information reported through the UIV source or as primary verification when UIV is not available.

The LACDA will accept faxed documents, however a hard copy may be requested for verification

If at least two check stubs cannot be obtained to verify employment income, the LACDA will request third party verification directly from the source to support EIV data or as primary verification.

### **7.3.3 Third-Party Written Verification Forms**

Third-party verification forms will be sent directly to the source when a participant disputes a discrepancy on the UIV or cannot provide adequate documentation to validate the discrepancy, or when the LACDA rejects third-party written verification documents provided by the family.

The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are acceptable. Written letters obtained from the source are acceptable under this level.

### **7.3.4 Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification forms are not possible or are delayed. When third-party oral verification is used, staff will be required to document the file, noting with whom they spoke, the date of the conversation, and the facts provided.

### **7.3.5 Self-Certification/Self-Declaration**

When verification cannot be made by UIV, third-party verification documents, forms or third-party oral verification, families will be required to submit a self-certification or a notarized statement. Self-certification means a signed statement/affidavit/certification under penalty of perjury.

This level may be used when:

1. UIV is unavailable; and
2. Third-party written documents cannot be provided by the family, and

3. Staff has made at least two documented efforts (mail, fax, telephone call, or email) to obtain third-party verification from the source and no response is received; or
4. An independent source does not have the capability of sending written third-party verification directly to the LACDA or does not facilitate oral third-party verification.

#### **7.4 RELEASE OF INFORMATION**

##### **[24 CFR §5.230]**

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD-9886 Form (Authorization for the Release of Information).

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the LACDA or HUD.

#### **7.5 COMPUTER MATCHING**

##### **[24 CFR §5.210(a)]**

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

##### **7.5.1 Data Sharing**

###### **[State of California Health and Safety Code, §34217]**

The LACDA will share applicant and participant information that is necessary to determine eligibility for County welfare department programs or services for which the client has applied or is receiving.

##### **7.5.2 Release of Information**

LACDA personnel, shall not release or otherwise make available HCV lists or any other confidential information to any outside organization or entity without the express written approval of the Executive Director, Deputy Executive Director, or their designee. This restriction on the release of HCV lists or any other confidential information shall also apply to all other divisions of the LACDA. To the extent information is released, such release(s) shall be in a manner consistent with section 33 of the Settlement Agreement United States v. Housing Authority of the County of Los Angeles, No.2:15-cv-5471 (C.D.Cal), applicable federal law governing the HCV Program and other Housing information. In the event that the LACDA provides information covered under this section, within 15 days, the LACDA will provide the following information to the Department of Justice.

1. The legitimate non-discriminatory purpose the information was provided for;
2. To whom the information was provided to; and

3. A copy of the information provided.

## **7.6 ITEMS TO BE VERIFIED**

### **[24 CFR §982.551(b)]**

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Full-time student status including high school students who are age 18 or over.
- Current assets including assets disposed of for less than fair market value in preceding two years.
- Childcare expense where it allows an adult family member to be employed, seek employment or to further his/her education.
- Total medical expenses of all family members in households whose head, co-head, or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus, which allow an adult family member to be employed.
- Identity.
- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members.
- Preference status, based upon local preferences.
- Displacement status of single applicants who are involuntarily displaced through no fault of their own.
- Familial/marital status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions.
- Enrollment in a Medicare prescription drug plan.
- The amount of Prescription drug benefits received.
- Actual or threatened incidents of domestic violence, dating violence, sexual assault or stalking.

## **7.7 VERIFICATION OF INCOME**

### **[24 CFR §982.516(a)(2)(i)]**

This section defines the methods the LACDA will use to verify various types of income.

#### **7.7.1 Employment Income**

##### **[24 CFR §5.609(a) and § 5.609(b)(1)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) system, or if EIV is unavailable, other Up-Front Income Verification (UIV) tools, such as Work Number.
2. At minimum 2 check stubs or an earnings statement, which indicate the employee's gross pay, frequency of pay or year-to-date earnings or W-2 forms to supplement EIV data or as primary verification in the event EIV or other UIV tools are unavailable.
3. Employment verification form completed by the employer.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

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
- Year-to-date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

In cases where there are questions about the validity of information provided by the family, the LACDA will send third-party verification forms to the employer and may require the most recent federal income tax statements.

### **7.7.2 Social Security, Pensions, Disability, Supplementary Security Income**

#### **[24 CFR §5.609(b)(4)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) system.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.

The LACDA may request a complete Social Security Earnings Statement (SSA Form 7004) to resolve discrepancies with Social Security income

### **7.7.3 Unemployment Compensation**

#### **[24 CFR §5.609(b)(5)]**

Acceptable methods of verification include, but are not limited to the following:

1. Enterprise Income Verification (EIV) System.
2. Computer printouts from unemployment office stating payment dates and amounts.

3. Payment stubs.

Unemployment and State Disability Insurance may no longer be verified through the Employment Development Department (EDD) [EDD Letter, 5/23/2006].

**7.7.4 Welfare Payments or General Assistance**

**[24 CFR §5.609(b)(6)]**

Acceptable methods of verification include, but are not limited to the following:

1. Leader Replacement System report for the Temporary Assistance of Needy Families (TANF)
2. Computer-generated Notice of Action.
3. LACDA verification form completed by payment provider.
4. 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.

**7.7.5 Alimony or Child Support Payments**

**[24 CFR §5.609(b)(7)]**

Acceptable methods of verification include, but are not limited to the following:

1. Computerized official printout of payments made if through a state agency.
2. Copy of latest check and/or payment stubs from Court Trustee. The LACDA must record the date, amount, and number of the check.
3. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
4. LACDA verification form completed by payment provider.
5. Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.
6. If payments are irregular, the family must provide at least one of the following:
  - A copy of the separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedules.
  - A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
  - A welfare notice of action showing amounts received by the welfare agency for child support.
  - A written statement from the District Attorney's office or other appropriate agency certifying that a collection or enforcement action has been filed.

The County of Los Angeles Child Support Services Department will no longer respond to written or oral third-party verification attempts by the LACDA. [See memo, 2/8/2007]

**7.7.6 Net Income from a Business**

**[24 CFR §5.609(b)(2)]**

In order to verify the net income from a business, the LACDA will view IRS and financial documents from prior years and use this information to anticipate the income and expenses for the next 12 months.

Acceptable methods of verification include, but are not limited to the following:

1. IRS Form 1040, including:
  - Schedule C (Small Business)
  - Schedule E (Rental Property Income)
  - Schedule F (Farm Income)
2. 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.
3. Audited or unaudited financial statement(s) of the business.
4. Third-party verification forms for each customer/contract indicating the amounts of income received in a specified time period.

Expenses for rent and utilities will not be allowed for operations or businesses based in the subsidized unit, as these expenses are a required family contribution in the Housing Choice Voucher Program and are calculated based upon the family's income.

**7.7.7 Child Care Business**

If a family is operating a licensed day care business, income and expenses will be verified as with any other business.

If the family is operating a cash and carry operation (which may or may not be licensed), the LACDA will require that the family complete a form for each customer which indicates: name of person(s) whose child/children is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If childcare services were terminated, third-party verification will be sent to the parent whose child was receiving childcare.

**7.7.8 Recurring Gifts**

**[24 CFR §5.609(b)(7)]**

The family must furnish a self-certification containing the following information:

- The person who provides the gifts



- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

#### **7.7.9 Zero-Income Status**

Families claiming to have no income may undergo a credit review. The information contained in the credit report will be used to confirm the information provided by the family. The LACDA will utilize records provided by the Department of Public Social Services (DPSS), and may check records of other departments in the jurisdiction that have information about income sources of customers, to confirm information provided by a family claiming to have zero income.

#### **7.7.10 Full-Time Student Status**

##### **[24 CFR §5.609(c)(11)]**

Only the first \$480 of the earned income of full-time students 18 years or older (including those who are temporarily absent), other than head of household, co-head, or spouse, will be counted towards family income.

Verification of full-time student status includes:

1. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution;
2. A copy of final grades; or
3. Written verification from the registrar's office or other school official.
4. For 18 year-old high school students, verification of enrollment for the current academic year may include, but is not limited to a progress report, an attendance report or an enrollment letter from the school.

Due to administrative cost burden, the LACDA may no longer attempt to verify student enrollment in any educational institution that participates in the National Student Clearinghouse using written third party verification forms or oral third-party verification methods.

### **7.8 INCOME FROM ASSETS**

#### **7.8.1 Savings Account Interest Income and Dividends**

##### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. Account statements, passbooks, certificates of deposit, or LACDA verification forms completed by the financial institution.
2. 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.

3. IRS Form 1099 from the financial institution, provided that the LACDA must adjust the information to project earnings expected for the next 12 months.

### **7.8.2 Interest Income from Mortgages or Similar Arrangements**

#### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. 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.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or re-examination.

### **7.8.3 Net Rental Income from Property Owned by Family**

#### **[24 CFR §5.609(b)(3)]**

Acceptable documents for verification include, but are not limited to the following:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. 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.

## **7.9 VERIFICATION OF ASSETS**

### **[24 CFR §982.516(a)(2)(ii)]**

Families must provide the LACDA with acceptable, written third-party documents to verify the value of or income from an asset. A written third-party verification document for an asset is considered current if at the time of receipt the document is:

- A monthly statement not more than 60 days old, or
- The most recent quarterly statement, or
- A savings passbook that has been updated by the financial institution within the last 60 days, or
- The most recent annual statement, or
- The most recent document or statement issued to the family, including but not limited to a closing escrow statement or closing bank statement.

### **7.9.1 Family Assets**

The LACDA will determine the current cash value, (the net amount the family would receive if the asset were converted to cash). Acceptable documents for verification include, but are not limited to the following:

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.
5. Software database or internet-based real estate valuation sites to determine the market value of real estate assets.
6. Financial statements for business assets.
7. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
8. Appraisals of personal property held as an investment.
9. Verification forms from a financial institution or broker.

### **7.9.2 Assets Disposed of for Less than Fair Market Value (FMV)**

#### **[24 CFR §5.603(b)(3)]**

This includes assets disposed of during 2 years preceding effective date of certification or re-examination:

1. For all certifications and re-examinations, the LACDA will obtain the family's certification as to whether any member has disposed of assets for less than fair market value during the 2 years preceding the effective date of the certification or re-examination.
2. If the family certifies that they have disposed of assets for less than fair market value, verification [or certification] is required that shows:
  - All assets disposed of for less than FMV;
  - The date they were disposed of;
  - The amount the family received; and
  - The market value of the assets at the time of disposition. Third-party verification will be obtained wherever possible.

## **7.10 VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME**

### **[24 CFR §5.611]**

#### **7.10.1 Childcare Expenses**

##### **[24 CFR §5.611(a)(4)]**

Acceptable documents for verification include, but are not limited to the following:

1. Verification documents the family obtained from the childcare provider that 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.
2. Written verification form returned by the person or agency who receives the payments. The written verification form requests the amount charged to the family for their services and whether any of the amounts owed have been or will be paid by sources outside the family.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

#### **7.10.2 Medical Expenses**

##### **[24 CFR §5.611(a)(3)]**

Families who claim medical expenses or expenses to assist a person(s) with a disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source.

Acceptable documents for verification include, but are not limited to the following:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of
  - The anticipated medical costs to be incurred by the family and regular payments due on medical bills, and
  - Extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
  - A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
  - Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or

copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The LACDA may use this approach for general medical expenses such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.
8. The LACDA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Medical expenses may not be verified through third party verification from Walgreen's Pharmacy [see memo dated 04/16/09].

### **7.10.3 Assistance to Persons with Disabilities**

#### **[24 CFR §5.611(a)(3)(ii)]**

1. The LACDA may require:
  - 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.
2. Attendant Care:
  - If the family pays for any portion of the attendant care expense, the 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.
3. 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.

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## **7.11 VERIFYING NON-FINANCIAL FACTORS**

### **[24 CFR §982.551(b)(1)]**

#### **7.11.1 Verification of Legal Identity**

In order to prevent program abuse, the LACDA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is invalid or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Board approved Consulate General identification cards, which are currently Mexico's and Argentina's "Matricula Consular" identification cards
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Hospital records

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID

If acceptable verification of legal identity documents listed above are not available due to a declared disasters or emergencies, whether due to natural calamity (e.g., earthquake), civil disturbance, public health emergencies, or other cause recognized by the Local, State or Federal government, the LACDA may use for the initial leasing process a certified statement and/or documentation that the family has undertaken actions to obtain proper documentation. For these instances, the LACDA will obtain acceptable verification of legal identity at the time of processing the annual reexamination.

#### **7.11.2 Verification of Marital Status**

- 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 records.
- Verification of marriage status is a marriage certificate.

### **7.11.3 Familial Relationships**

The following verifications may be required if applicable:

- Verification of relationship:
  - Official identification showing names
  - Birth Certificates
  - Baptismal certificates
- Verification of guardianship:
  - Court-ordered assignment
- Verification from social services agency
- School records
  - Affidavit of parent
- Evidence of a stable family relationship:
  - Joint bank accounts or other shared financial transactions
  - Leases or other evidence of prior cohabitation
  - Credit reports showing relationship

### **7.11.4 Verification of Permanent Absence of Adult Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LACDA may require one or more of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the owner or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.
7. A statement by the adult member of the household removing him/herself from the lease and voucher household and providing a forwarding address and effective date of the move.

### **7.11.5 Verification of Change in Family Composition**

**[24 CFR §982.516(c)]**

The LACDA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, owners, neighbors, credit data, school or DMV records, and other sources.

#### **7.11.6 Verification of Disability**

Verification of disability is receipt of SSI (if under 62 years of age) 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 written verification by the appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker, using the HUD language as the verification format.

#### **7.11.7 Verification of Citizenship/Eligible Immigrant Status**

##### **[24 CFR Part 5, Subpart E]**

To be eligible for assistance, individuals must be U.S. citizens, or non-citizens with eligible immigrant status based on the eligible categories specified by regulations. Individuals who are neither may elect not to contend their status. Each family member must declare their status once. If a family member reports a change to their citizenship status, only that member will be required to declare their updated citizenship status. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the LACDA hearing is pending.

1. Citizens or Nationals of the United States: Required to sign a declaration under penalty of perjury [24 CFR §5.508(b)(1)].
2. Eligible Immigrants Age 62 and Over: Required to sign a declaration of eligible immigration status and provide proof of age [24 CFR §5.508(b)(2)].
3. All Other Eligible Immigrants: Required to sign a declaration of status and verification consent form, and to provide an acceptable document of eligible immigration as follows:
  - Resident Alien Card (I-551)
  - Alien Registration Receipt Card (I-151) (With receipt for application of I-551)
  - Foreign Passport with I-551 stamp
  - Arrival-Departure Record (I-94) with no annotation accompanied by:
    - A final court decision granting asylum (if no appeal is taken);
    - A letter from an INS or USCIS asylum officer granting asylum (if application is filed on or after 10/1990) or from and INS director granting asylum (application filed before 10/1/90);
    - A court decision granting withholding of deportation; or
    - A letter from an asylum officer granting withholding of deportation (if application filed on or after 10/1/90).



- Arrival-Departure Record (I-94) stamped with one of the following:
  - “Admitted as a Refugee Pursuant to Section 207”
  - “Section 208” or “Asylum”
  - “Section 243(h)” or “Deportation stayed by Attorney General”
  - “Paroled Pursuant to Section 221(d)(5) of the INS (or USCIS)”
- Temporary Resident Card (I-688) annotated “Section 245A” or Section “210”
- Employment Authorization Card (I-688B) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”
- Employment Authorization Document (I-766) annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”
- Any official revision of the acceptable documents listed above
- Receipt issued by the United States Citizenship and Immigration Service (USCIS) for issuance of replacement of any of the above documents that shows individual’s entitlement has been verified

The document is copied front and back and returned to the family. A birth certificate is not acceptable verification of eligible immigrant status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept 5 years.

Eligible immigrants must have their status verified by USCIS. The LACDA verifies the status through the USCIS SAVE system. If this primary verification fails to verify status, the LACDA must request within 10 calendar days that the USCIS conduct a manual search [24 CFR §5.512(c)].

4. Ineligible Family Members: Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household, co-head, or spouse [24 CFR §5.508(e)].
5. Non-Citizen Students on Student Visas: Ineligible, even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members [24 CFR §5.522].
6. VAWA Self-Petitioners (PIH 2017-02)

VAWA Self-Petitioners are those who claim to be victims of “battery and extreme cruelty”. VAWA covers the following types of battery or extreme cruelty: domestic violence, dating violence, sexual assault, and stalking. A VAWA self-petitioner can indicate that they are in “satisfactory immigration” status when applying for housing or continued assistance. “Satisfactory immigration status” means an immigration status which does not make the individual ineligible for financial assistance. Once the LACDA verifies the applicant’s immigration status in the Department of Homeland Security

(DHS) SAVE System, the LACDA will make the final determination as to the self-petitioner's eligibility for assistance.

Not every noncitizen victim who has been subjected to battery or extreme cruelty will qualify under these procedures. To qualify, the noncitizen victim must have been battered or subject to extreme cruelty by their spouse or parent, who is a U.S. citizen or Lawful Permanent Resident (LPR). The LACDA may receive a petition at any time but submissions will most likely be related to a request for VAWA protections pursuant to 24 CFR 5 Subpart L (e.g. with a request for an emergency transfer or family breakup resulting from domestic violence, dating violence, sexual assault, or stalking; PIH 2016-09).

When the LACDA receives a self-petition (INS Form I-360 or I-130) or INS Form 797, the LACDA is prohibited from requesting any additional information from the VAWA self-petitioner, other than what is required below to complete the verification.

#### VAWA Self-Petitioner Verification Procedure

When the LACDA receives a self-petition or INS Form 797 "Notice of Action", the HA will initiate verification in the SAVE System as outlined in PIH 2017-02. During the verification process, housing assistance and all other VAWA protections will be granted to the self-petitioner throughout the verification process until a final determination of LPR status is made. If this primary verification fails to verify status, the LACDA must request within ten days that the USCIS conduct a manual search. If the final determination is to deny the VAWA self-petition or LPR petition, the LACDA will alert the petitioner and take the appropriate actions.

**Failure to Provide:** If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information [24 CFR §5.508(i)].

**Time of Verification:** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first interim or annual re-examination after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial public housing agency does not supply the documents, the LACDA must conduct the determination [24 CFR §5.508(g)].

**Extensions of Time to Provide Documents:** Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The LACDA will generally allow up to 30 calendar days to provide the document or a receipt issued by the USCIS for issuance of replacement documents [24 CFR §5.508(h)].

**Determination of Ineligibility:** After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

### **7.11.8 Verification of Social Security Numbers**

#### **[24 CFR §5.216]**

Social Security numbers must be provided as a condition of eligibility for all family members, except for family members who were determined eligible on or before January 31, 2010 and were at least 62 years old on that date, and family members who are not eligible to obtain a Social Security number. Social Security numbers will be verified through a Social Security card issued by the Social Security Administration. If a family member cannot produce a Social Security card, only the documents listed below may be used for verification. [24 CFR §5.216(g)(1)]:

- A document issued by the Social Security Administration that contains the name and Social Security Number of the individual; or
- A document issued by a Federal, state or local government agency that includes the name, Social Security Number and other identifying information about the individual.

All new family members, except children age 5 and under, who have not been assigned a number, will be required to produce their Social Security card or provide the substitute documentation described above. This information is to be provided at the time the change in family composition is reported to the LACDA and the family member will not be added to the household composition until it is provided [24 CFR §5.216(e)(2)(i)].

A child age 5 or under who has not been assigned a Social Security Number may be added to the household before providing a Social Security number. However, the parent or guardian will be required to sign a form attesting that the child was never issued a Social Security Number. The family must disclose the child's Social Security Number within 90 days of being added to the household composition.

If a participant was never assigned a Social Security Number the individual will be required to sign a form attesting to the fact. The family member will be required to provide proof of the Social Security Number before the current annual reexamination is processed [24 CFR §5.216(e)(2)(ii)].

A 90-day extension may be granted by a LACDA Supervisor if the family was unable to provide the information due to good cause and there is a reasonable likelihood they will be able to provide the information during the extended time period. If the family fails to provide the information within the approved time period, the family's assistance will be terminated. .

If the family fails to provide required documentation of a member's Social Security Number, the family's assistance will be terminated [24 CFR §5.216(g)].

If any of the verification documents listed above are not available due to declared disasters or emergencies, whether due to natural calamity (e.g., earthquake), civil disturbance, public health emergencies, or other cause recognized by the Local, State or Federal government, the LACDA may use for the initial leasing process a certified statement and/or documentation that the family has undertaken actions to

obtain proper documentation. The LACDA can make any corrections or adjustments after the HUD form 50058 has been validated in IMS/PIC and made available to the LACDA in the EIV system or at the time of processing the annual reexamination, whichever is first.

#### **7.11.9 Medical Need for Larger Unit**

A written certification that a larger unit is medically necessary must be obtained from a reliable, knowledgeable medical professional. If the request is a reasonable accommodation for a disabled family member, the following policy will be followed.

#### **7.11.10 Reasonable Accommodation**

In order to verify the necessity for a reasonable accommodation, the LACDA will usually require the disabled individual or a third party acting on their behalf, to return the Reasonable Accommodation Request form, or other written documentation, completed by a qualified professional with direct experience with the individual's disability. Qualified professionals may include, but are not limited to:

- A medical doctor
- A psychiatrist
- A social worker
- Other unlicensed care providers

If the need for the requested accommodation is visibly apparent, the LACDA may grant the request immediately without requiring further verification. If the disabled individual is unable to return a written request due to their disability, the LACDA will work with the individual to ascertain the specific accommodation being requested and whether it conforms to the requirements stated in section 1.9.2.

#### **7.11.11 Secondary Review/Credit Checks**

The LACDA may use credit reports obtained from reliable sources to conduct secondary verifications on a case-by-case basis.

The methodology used to evaluate the information obtained from the credit report in relation to new applicants is outlined in Chapter 4 (Establishing Preferences and Maintaining the Waiting List).

The secondary review includes a comparison between the information contained in the credit report, for each adult household member, and the information provided by the family to the LACDA for eligibility purposes. Specifically, the LACDA reviews the credit report to verify:

**Employment:** If the credit report reveals employment during the subsidized period that was not disclosed to the LACDA, the family will be required to provide documentation that the employment did not occur or provide information regarding the amount of earnings received during the employment period.

If the family contends that the employment was made up for the purposes of obtaining credit or was erroneously placed on the credit report, the family must

supply a letter from the employers listed confirming such information. On a case-by-case basis, the LACDA may accept a certified statement from the family.

If the family failed to disclose employment for a period longer than 6 months, the LACDA will propose termination of the family's assistance and seek repayment of any overpayment. On a case-by-case basis the LACDA may counsel the family before proposing termination and seeking repayment of any overpayment.

If the family failed to disclose employment for less than 6 months, the family will be required to attend a counseling interview and re-sign all program documents re-enforcing the family's obligations. The family will also be required to repay any overpayment amount. A second violation of this nature will result in a proposed termination.

**Assets:** The credit report information will be used to verify assets, particularly, large items such as real estate property. If the credit report reveals that the family owns property, the family will be required to provide the appropriate documentation regarding the property.

If all documentation confirms that the family (any family member) owns real estate property that was purposely concealed, the LACDA will propose termination of assistance and seek repayment of any overpayment amount.

**Aliases:** A credit report can provide information on other names that have been used for the purposes of obtaining credit. Common reasons for use of other names include a recent marriage or a divorce. If an alias has not been disclosed to the LACDA, the family will be asked to provide additional evidence of the legal identity of adult family members.

**Current and Previous Addresses:** For a continuously assisted family, it is assumed that the family's primary residence is the assisted address. If the credit report indicates the continuous use of an address, other than that of the assisted unit during the subsidized period, the family will be asked to provide documentation that the assisted address is being used as the family's primary residence. This may include a history of utility bills, bank statements, school enrollment record for children, credit card statements or other relevant documents. Failure to provide adequate proof may result in termination of assistance.

If the family is not using the subsidized unit as their primary residency and/or is subletting the assisted unit, the file will be referred for proposed termination and the LACDA will seek full repayment of any overpayment amount.

**Credit Card and Loan Payments:** A credit report will usually include a list of the family's financial obligations. Examples of the items that may show up include car loans, mortgage loans, student loans and credit card payments. The LACDA will review this information to confirm the income and asset information provided by the family. If the family's current financial obligations (total amount of current monthly payments) exceed the amount of income reported by the family, the LACDA will ask the family to disclose how they are currently meeting their financial obligations. Accounts that have been charged off or significantly delinquent are not included in this calculation. Failure to provide adequate proof of income will result in the file being referred for proposed termination. Additionally, the LACDA will seek full repayment of any overpayment amount.

**Multiple Social Security Numbers:** A credit report may list multiple Social Security numbers if an adult family member has used different Social Security numbers to obtain credit. If the credit report information does not match the information provided by an adult member of the family, the family member will be required to obtain written confirmation of the Social Security number that was issued to him/her from the Social Security Administration.

Whenever a violation results in a proposed termination, the family is entitled to request an informal hearing. Procedures governing the informal hearing process are outlined in Chapter 16 Informal Reviews/Hearings.

## **Chapter 8:**

### **VOUCHER ISSUANCE AND BRIEFINGS**

#### **8.1 INTRODUCTION**

This chapter covers the LACDA's process for issuing vouchers, including the contents of the briefing that is conducted for families receiving a voucher. It also includes policies on the term of the voucher.

#### **8.2 ISSUANCE OF HOUSING CHOICE VOUCHERS**

When funding is available, the LACDA will issue vouchers to applicants whose eligibility has been determined.

The number of vouchers issued must ensure that the LACDA stays as close as possible to 100 percent lease-up. The LACDA performs a calculation to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the LACDA can over-issue.

The LACDA may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers that are over-issued will be honored, as long as there is funding to support the over-issued vouchers. If the LACDA finds it is over-leased, and a voucher holder has found an approvable unit, the LACDA is under no obligation to the family, to the owner, or to any other person, to approve a tenancy. As the LACDA nears 100 percent lease up, vouchers will be honored in the order they were issued. All voucher holders whose vouchers are not honored due to over-leasing will be placed back on the waiting list.

#### **8.3 BRIEFING TYPES AND REQUIRED ATTENDANCE**

##### **8.3.1 Initial Applicant Briefing**

##### **[24 CFR §982.301(a)]**

When the family is initially issued a voucher, the LACDA conducts a briefing session, as required by HUD. The briefing session is mandatory.

Briefing sessions will be conducted in groups or individual meetings.

The LACDA will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend scheduled briefings, without prior notification and approval of the LACDA, may be denied admission based on failure to supply information needed for certification. The LACDA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Families who attend group briefings and still have the need for individual assistance will be referred to the appropriate staff person.

### **8.3.2 Re-Issuance Briefing**

A briefing will be held for participants who will be re-issued vouchers to move. This briefing may include incoming and outgoing portable families. Families failing to attend a scheduled briefing twice will be denied a new voucher based on failure to provide required information.

### **8.3.3 Owner Briefing**

Briefings are held for owners at least annually. Invitations are sent to all owners. Prospective owners are also welcome. The purpose of the briefing is to assure successful owner participation in the program.

## **8.4 INFORMATION PROVIDED AT THE BRIEFING SESSION**

The LACDA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements.

The purpose of the briefing session is to provide information on the LACDA's process for voucher holders who intend to lease a unit. This will enable families to utilize the program to their advantage, and prepare them to discuss it with potential owners and property manager.

When the family is selected to participate, the briefing session includes information as follows.

### **8.4.1 Topics Covered in the Briefing Session**

#### **[24 CFR §982.301(a)]**

The person conducting the briefing will describe how the program works and include information on the following subjects:

- A description of how the program works, including reasonable accommodation policies and procedures;
- Family and owner responsibilities;
- Where a family may lease a unit inside and outside the LACDA's jurisdiction;
- How portability works for families eligible to exercise portability; and
- Advantages of moving to an area that does not have a high concentration of poor families, for families living in high poverty census tracts in the LACDA's jurisdiction.

If the family includes a person with disabilities, the LACDA will ensure compliance with 24 CFR §8.6 to ensure effective communication.



### **8.4.2 Briefing Packet**

#### **[24 CFR §982.301(b)]**

The LACDA provides families with a briefing packet that contains more detailed information about the program. The packet includes forms and information required by HUD, as well as additional resources. The person conducting the briefing session will explain the documents in the briefing packet.

1. Instructions: This explains the term of the voucher, the LACDA's policies on extensions and suspensions, and how families may request tenancy approval.
2. Subsidy Estimation: A worksheet on rent calculations, including a description of the method used to calculate the assistance payment, how the minimum and maximum allowable rent is determined, how the payment standard is determined, and a calculation of the estimated maximum rent to suit the tenant's budget.
3. Utility Allowance Schedule: Utility allowance amounts for rental units, by unit size and utility type, for cities and unincorporated areas within the LACDA's jurisdiction.
4. Information on where the family can lease a unit, including portability procedures, a list of area housing authorities, and a form for participants who are requesting to transfer.
5. Form HUD-52641-A: The HUD-required "tenancy addendum" that must be included in the lease.
6. Request for Tenancy Approval (RTA): Families request LACDA approval of the assisted tenancy with this form. The RTA includes a statement of LACDA policy on providing family information to prospective owners.
7. Subsidy Standards and Requests for Waivers: Explains how the number of bedrooms (unit size) relates to family composition, and when and how exceptions are made in regards to requests for additional bedrooms.
8. A Good Place to Live: HUD's brochure on selecting a unit that complies with HQS.
9. Are You A Victim of Housing Discrimination: HUD's pamphlet on fair housing which contains the complaint form. The LACDA also includes available State and local information on equal opportunity laws.
10. Marketing List of Available Properties: The LACDA provides information for the Los Angeles County Housing Resource Center, which is an internet-based property listing and search service for owners and participants. The LACDA includes an information sheet on how to access the system online.
11. Family Obligations: Families sign to acknowledge program obligations, and consequences including termination of assistance for failure to comply.
12. Informal Hearing Information: Includes procedures and explanations of when participant families have the opportunity for an informal hearing, and how to request a hearing.

The packet may also include the following materials:

- Three Way Partnership: Explains the relationship between owners, participants and the LACDA.
- Protect Your Family From Lead In Your Home: Federal brochure on the hazards of lead-based paint and resources for additional information.
- Searching for a Rental Home: Guidance on finding a unit and submitting a successful rental application.
- Additional Standards for HQS Inspections and inspections process details.
- Owner materials including information on the New Contracts Process and the Benefits of Participation.
- Owner forms including IRS W-9, Letter of Authorization, Authorization Agreement for Direct Deposit, and a sample Lead-Based Paint Disclosure.
- Request for Voucher Extension form
- What You Should Know About EIV: A Federal brochure describing the Enterprise Income Verification (EIV) System, how it is used and from where the information is generated.

## **8.5 ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION**

### **[24 CFR §982.301(a)(3)]**

At the briefing, families are encouraged to search for housing in non-impacted areas. The LACDA provides assistance to families who wish to do so.

The assistance provided to such families includes:

- Direct contact with owners;
- Counseling with the family;
- Providing information about services in various non-impacted areas;
- Meeting with neighborhood groups to promote understanding;
- Formal or informal discussions with owner groups;
- Formal or informal discussions with social service agencies;
- Meeting with rental referral companies or agencies; and
- Meeting with fair housing groups or agencies.

The LACDA currently utilizes the Los Angeles County Housing Resource Center, an internet-based housing search service. This service, lists rental properties, listed by owners within the LACDA's jurisdiction to ensure greater mobility and housing choice to very low-income households. Each property listed indicates if it is in an area of low-poverty concentration.

The LACDA also maintains a listing of job, education, transportation and other information for cities not impacted by poverty or minority concentration. The cities for which the LACDA maintains this information are:

- Alhambra

- Azusa
- Bellflower
- Covina
- Downey
- Lakewood
- Lawndale
- Lomita
- Paramount
- Santa Fe Springs
- West Covina
- West Hollywood
- Whittier

This information may be obtained at the Section 8 Administrative Office.

## **8.6 SECURITY DEPOSIT REQUIREMENTS**

### **[24 CFR §982.313]**

Security deposits charged by owners may not exceed those charged to unassisted families (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the family prior to the beginning of assistance.

## **8.7 TERM OF VOUCHER**

### **[24 CFR §982.301(b)(1)]**

During the briefing session, each family is issued a voucher, which represents a contractual agreement between the LACDA and the family, specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective.

### **8.7.1 Expirations**

#### **[24 CFR §982.303(a)]**

The initial term of the voucher is 60 calendar days from the date of issuance. At the time the family is provided the voucher, the LACDA will automatically approve one 60-day extension. The family must submit a Request for Tenancy Approval and lease within the 120 calendar-day period, unless the family requests an extension and the LACDA grants the extension.

Under a local, state, and/or federally declared disaster, and at the discretion of the Director or designee, the LACDA may grant voucher extensions as necessary without the need for a family's formal request.

If the voucher has expired, and has not been extended by the LACDA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

### **8.7.2 Extensions of Voucher Term**

#### **[24 CFR §982.303(b)]**

The LACDA has the authority to grant extensions to vouchers, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. LACDA's discretionary policies related to voucher extensions are below.

LACDA may approve an extension in a 60-day increment not to exceed a maximum voucher term of 180 calendar days. LACDA Supervisors may authorize voucher extensions, in 30 or 60-day increments, up to a maximum term of 365 calendar days.

Extensions beyond 365 calendar days will only be considered as a reasonable accommodation for a person with disabilities. In such cases, the policy and procedure in section 7.11.10 will be followed.

As stated above, under a local, state, and/or federally declared disaster, and at the discretion of the Director or designee, the LACDA may grant voucher extensions as necessary without the need for a family's formal request.

### **8.7.3 Suspension of Voucher Term (Tolling)**

#### **[24 CFR 982.303(c)]**

When a Request for Tenancy Approval is received, the LACDA will not deduct the number of calendar days required to process the request from the term of the voucher.

### **8.7.4 Assistance to Voucher Holders**

#### **[24 CFR §982.301(b)(11)]**

The LACDA has contracted with the Los Angeles County Housing Resources Center (Emphasys) to provide an internet-based property listing and search service for owners and participants. The LACDA includes in the briefing packet an information sheet on how to access the Los Angeles County Housing Resources Center (Emphasys).

## **8.8 VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS**

### **[24 CFR §982.315]**

In those instances when a family assisted under the Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal

separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the LACDA shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the LACDA will terminate assistance on the basis of failure to provide information necessary to complete the annual re-examination.

Where the breakup of the family also results in a reduction of the size of the voucher, the family will be required to move to a smaller unit if the current owner is unwilling to accept the rent level of the smaller sized certificate.

#### **8.9 REMAINING MEMBER OF FAMILY – RETENTION OF VOUCHER**

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

A live-in aide, by definition, is not a member of the family and will not be considered a remaining member of the family.

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

1. The court has to have awarded emancipated minor status to the minor, or
2. The LACDA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child/children for an indefinite period.

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

#### **8.10 FAMILY VOLUNTARILY RELINQUISHES HOUSING CHOICE VOUCHER**

The family may voluntarily relinquish their voucher at any time. In such cases, the LACDA will provide the owner of the property with a 30 calendar days' notice indicating that rental assistance will terminate based on the family's request. The family will become fully liable for the contract rent after 30 calendar days.

Generally, the LACDA will not reinstate a family once a request for voluntary termination has been received. However, as a reasonable accommodation, the

LACDA will review requests for reinstatements received within 6 months and make a determination on a case-by-case basis.

If a family voluntarily relinquishes their voucher in lieu of facing termination, the LACDA will continue to seek to recover any monies that may be due to the LACDA as a result of misrepresentation or other breach of program regulations and will report the amount of debt owed to EIV.

## **Chapter 9:**

# **THE NEW CONTRACT PROCESS - REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION**

### **9.1 INTRODUCTION**

**[24 CFR §982.302 and 24 CFR §982.353(a)(b)]**

After families are issued a voucher, they may search for a unit anywhere within the LACDA's jurisdiction, or outside of the LACDA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner who is willing to enter into a Housing Assistance Payments (HAP) contract with the LACDA. This chapter defines the types of eligible housing, the LACDA's policies which pertain to lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RTA).

### **9.2 REQUEST FOR TENANCY APPROVAL**

**[24 CFR §982.302 and §982.305]**

No RTA for a current participant will be processed unless there is a copy of the lease termination notice for the currently assisted unit in the family's file.

Both the owner and the voucher holder must sign the RTA.

The LACDA will not permit the family to submit more than one RTA at a time.

The RTA will be approved if [24 CFR §982.302(d)]:

1. The unit is an eligible type of housing;
2. The unit passes an inspection (based on HUD's Housing Quality Standards and the LACDA's requirements, detailed in Chapter 10);
3. The rent is reasonable and affordable to the voucher holder;
4. The security deposit amount is approvable;
5. The proposed lease complies with HUD and LACDA requirements, and State and local law;
6. The owner is approvable, and there are no conflicts of interest; and
7. All applicable lead-based paint disclosure requirements have been met. See Section 10.4 (Lead-Based Paint) for additional policies.

#### **9.2.1 Disapproval of RTA**

**[24 CFR §982.302(d); §982.305, and §982.306]**

If the LACDA determines that the RTA cannot be approved for any reason, the owner and the family will be notified in writing. The LACDA will instruct the owner and family of the steps that are necessary to approve the Request.

The owner will be given 5 calendar days to submit an approvable RTA from the date of disapproval unless the reason for the disapproval is the result of multiple failed inspections (three or more failed HQS inspections).

When, for any reason, an RTA is not approved, the LACDA will furnish another RTA form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

The LACDA will suspend the term of the voucher while the RTA is being processed. Therefore, the length of time allotted to a family for the purpose of locating another unit will be based on the number of days left on the term of the voucher at the time the RTA was submitted to the LACDA [24 CFR §982.303(b)].

### **9.3 ELIGIBLE TYPES OF HOUSING**

#### **[24 CFR §982.352]**

The LACDA will approve the following types of housing in the voucher program:

- Single-family dwellings, including condos and townhouses.
- Manufactured homes where the family leases the mobile home and the pad [24 CFR §982.620(a)(2)].
- Manufactured homes where the family owns the mobile home and leases the pad [24 CFR §982.620(a)(3)].
- Multifamily dwellings (apartment buildings).
- Units owned but not subsidized by the LACDA (HUD-prescribed requirement).

A family can own a rental unit but cannot reside in it while being assisted, except in the cases involving manufactured homes when the family owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The LACDA may not permit a voucher holder to lease a unit that is receiving project-based Section 8 assistance or any duplicative rental subsidies.

#### **9.3.1 Special Housing Types**

##### **[24 CFR §982 Subpart M]**

A Public Housing Agency may permit a family to use any of the special housing types below. However, the Public Housing Agency is not required to permit families receiving assistance to use these housing types, except that the Public Housing Agency must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability.

In accordance with regulatory discretion, the LACDA will permit families to request tenancy to use any of the special housing types below. However, the housing type requested must meet the definition of the housing type and must pass Housing Quality Standards in accordance to the housing type's standards.

- **Congregate housing** - Housing intended for use by elderly persons or persons with disabilities. It contains a shared central kitchen and dining area and a



private living area for the individual household of at least a living room, bedroom and bathroom. Food service for residents must be provided. Elderly persons or persons with disabilities may live in congregate facilities. With PHA approval a live-in aide may live in the congregate unit with a person with disabilities or an elderly person.

- **Group home** -a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. The group home consists of residents' bedrooms, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. No more than 12 persons may reside in a group home. Elderly persons or persons with disabilities may live in group homes. If approved by the PHA, a live-in aide may live in the group home with a person with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continual medical or nursing care.
- **Shared housing** - a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The family and any LACDA approved live-in aid may reside in a unit with other persons who are either:
  1. Not assisted under the tenant based program,
  2. Assisted under the tenant based program (If there are multiple assisted families in the shared unit, there must be separate HAP contracts for each assisted family.),
  3. The owner of the shared housing unit. (While the owner may reside in the shared unit, the owner may not be related to the family by blood or marriage and no assistance may be paid on behalf of the owner.)
- **Cooperative housing (excluding families that are not cooperative members)** – Housing owned by a nonprofit corporation or association, where a member of the corporation or association has the right to reside in a particular apartment and to participate in management of the housing. There are no program restrictions on who may occupy a cooperative housing unit.
- **Single Room Occupancy (SRO)** - an SRO unit is a unit that provides living and sleeping space for the exclusive use of the occupant, but requires the occupant to share sanitary and/or food preparation facilities. There is no federal limitation on the number of SRO units in an SRO facility. An SRO unit may not be occupied by more than one person. Program regulations do not place any limit on the number of units in an SRO facility, although the size of a facility may be limited by local laws.
- **Homeownership** (if homeownership program is available)

### 9.3.2 **Ineligible Housing Types**

**[24 CFR §982.352(a)]**

The LACDA will not approve:

- A unit occupied by the owner or by any person with an interest in the unit, other than manufactured homes described above.
- Nursing homes or other institutions that provide care.
- School dormitories and institutional housing.
- Structures that have not been properly converted. Owners will be required to provide finalized permits for all conversion work when the integrity and/or soundness of a structure is in question.
- Converted garages or other structures not intended to be living areas.
- Any other types of housing prohibited by HUD.

#### **9.4 RESTRICTIONS ON RENTING TO RELATIVES**

##### **[24 CFR §982.306(d)]**

In accordance with HUD policy, the family will not be allowed to rent a unit from an owner (including a principal or other interested party) who is the spouse, parent, child, grandparent, grandchild, and sister or brother of any member of the family. This restriction applies to all new contracts entered into after June 16, 1998.

Exceptions may be made to this policy as a reasonable accommodation for persons with a disability. The LACDA will review all such requests on a case-by-case basis. The family will be required to provide documentation of disability and how the particular unit, owned by the relative, could benefit the disabled person. Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security number, and may also be required to provide a copy of their driver's license or other photo identification. In addition, the LACDA may request a copy of the owner's current utility bills and bank statement.

Failure to provide adequate documentation, within the specified time period (2 weeks), will be grounds for denial of such request.

In all cases, the owner of the assisted unit may not reside in the unit with the assisted household at any time during the term of the Housing Assistance Payment (HAP) Contract between the LACDA and the owner.

#### **9.5 LEASE AGREEMENTS**

##### **[24 CFR §982.308 - §982.309]**

The tenant and the owner must enter a written lease for the unit. If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form, plus the required HUD Tenancy Addendum, which the LACDA will provide to the owner.

The LACDA will review the lease for compliance with regulations. At minimum, the lease must specify the following information:

- The names of the owner and tenant;
- The address of the unit rented;
- The term of the lease including the initial term and any provisions for renewal;
- The amount of the monthly rent to owner; and
- A specification of which utilities and appliances will be supplied by the owner, and which by the family.

The lease must provide the following are grounds for the owner to terminate tenancy [24 CFR §982.310(c)]:

- Drug- related criminal activity engaged in, on or near the premises by any tenant, household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control. In addition, the lease must provide that the owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any of the following types of criminal activity by a covered person:
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);
  - Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
  - Any violent criminal activity on or near the premises by a tenant, household member, or guest, or any such activity on the premises by any other person under the tenant's control.
- If a tenant is:
  - Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or
  - Violating a condition of probation or parole imposed under Federal or State law.

When needed, the LACDA may require the owner and family to execute a lease rider to include changes to the rent amount, changes to utility responsibilities and/or effective date on the owner's original lease.

### **9.5.1 Separate Agreements**

#### **[24 CFR §982.510(c)]**

Separate agreements are not necessarily prohibited. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services (parking space), appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the LACDA.

Any appliances, services or other items which are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

The LACDA is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the LACDA. If agreements are entered into at a later date, they must be approved by the LACDA and attached to the lease.

#### **9.6 INITIAL INSPECTIONS**

See Chapter 10 (Housing Quality Standards and Inspections).

#### **9.7 RENT LIMITATIONS**

##### **[24 CFR §982.508]**

In accordance with HUD regulations, at the time the family initially receives assistance for a new unit, the family's share of the rent for the unit (includes utilities and the rent to the owner) may not exceed more than 40 percent of the family's adjusted monthly income if the gross rent for the unit exceeds the payment standard.

#### **9.8 RENT REASONABLENESS**

##### **[24 CFR §982.507(a)(1)]**

A rent reasonable test will be used to determine if the rent amount request by the owner can be approved. The LACDA's rent reasonableness policy is covered in Chapter 11 (Setting Payment Standards and Determining Rent Reasonableness).

#### **9.9 WHEN A NEW CONTRACT IS REQUIRED FOR AN EXISTING TENANCY**

A new tenancy must be approved and a new contract must be executed for an existing tenancy only under the following circumstances:

- If the owner or family request a new lease;
- If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances; or
- If there are changes to provisions governing the terms of the lease.

## **9.10 INFORMATION TO OWNERS**

### **[24 CFR §982.307(b)]**

The LACDA is required to provide prospective owners with the address of the applicant and the names and addresses of the current and previous owner if known. The LACDA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection. The LACDA will not release any other information regarding the family.

The LACDA will inform owners that it is the responsibility of the owner to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant [24 CFR §982.307(a)].

Information regarding the LACDA's policy on this subject is included in the briefing packet and as an attachment to the Request for Tenancy Approval. This policy will apply uniformly to all families and owners.

In addition to the information listed above, the LACDA provides owner workshops at least twice a year. At the workshops, current and prospective owners are given an overview of the program and information about any significant program changes. There is also ample time for a question and answer session.

## **9.11 OWNER DISAPPROVAL**

### **[24 CFR §982.306(a) - §982.306(c)(4)]**

For purposes of this section, "owner" includes a principal or other interested party, and to disapprove an owner means to prevent the participation of an owner in LACDA programs.

The LACDA is required to disapprove an owner for the following reasons:

- HUD has informed the LACDA that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24.
- HUD has informed the LACDA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- HUD has informed the LACDA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal equal opportunity requirements.
- If the owner is the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of the family.

The LACDA also maintains the discretion to disapprove an owner for the reasons listed below. The LACDA may disapprove an owner for a period of 1 year for the following reasons:

- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes;
- The owner has not obtained a business license for rental property for the assisted unit, where required by local ordinance; or
- The owner has not paid State or local real estate taxes, fines or assessments.

An owner may be disapproved for a period of up to 5 years for the following reasons:

- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- The owner has a history or practice of failing to terminate tenancy of Section 8-assisted tenants, or tenants assisted under any other federally-assisted housing program, for activity engaged in by the tenant, any member of the household, guest or another person under the control of any member of the household that:
  - Threatens the right to peaceful enjoyment of the premises by other residents;
  - Threatens the health or safety of other residents, of employees of the LACDA, or of owner employees or other persons engaged in management of the housing;
  - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or commits drug related criminal activity or violent criminal activity.

An owner may be disapproved for a period of up to 10 years for the following reason:

- The owner has engaged in any drug-related criminal activity or any violent criminal activity.

If an owner disagrees with the LACDA's disapproval, the owner may appeal the decision in writing within 10 calendar days from receiving the LACDA's decision. A supervisor will review the appeal and prepare a written decision within 30 calendar days after receiving the request. The decision of the supervisor is final.

## **9.12 CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE**

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, the LACDA need not obtain new verifications before the HAP contract becomes effective.

If the contract is for a participant move and is processed as an annual reexamination, the family's income and other circumstances will be re-verified.

### **9.13 CONTRACT EXECUTION PROCESS**

#### **[24 CFR §982.305(c)]**

Provided that the unit passes inspection, the LACDA will prepare the HAP contract for execution. The family and the owner will execute the lease agreement, and the owner and the LACDA will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents.

The LACDA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 calendar days after commencement of the lease term and no payments will be made until the contract is executed.

The following LACDA representatives are authorized to execute a contract on behalf of the LACDA: Housing Assistance Division Director, Assistant Director, Managers, Assistant Managers and Supervisors.

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security number, and may also be required to provide a copy of their driver's license or other photo identification.

#### **9.13.1 Determining the Contract Effective Date**

The effective date and the amount of the rental payment are communicated in writing to both the owner and family.

The lease and the terms of the tenancy are made effective at the LACDA's approval only. The earliest date the LACDA may approve the lease effective date is the date the unit passed HQS inspection.

The HAP contract is drafted after the LACDA approved lease is received and is effective in accordance with the lease effective date.

#### **9.13.2 Prorating First Month's Rent**

When the effective date of a new contract begins on a day other than the first of the month, the LACDA will determine a prorated contract rent amount. For consistency with rental industry standards, prorated amounts will be calculated by using the actual days in the month to establish a daily rate.

#### **9.13.3 Proof of Ownership**

The LACDA will use property profile information obtained from a private vendor to confirm ownership of the assisted unit. If third party information cannot confirm ownership of the unit, the LACDA may also request a recorded deed or closing escrow statement to prove ownership.

Owners may also be required to provide a copy of a business rental license if the assisted unit is in a city where one is required.

Any requested information must be provided prior to execution of the HAP contract. Failure to provide the requested information within a reasonable period of time, generally not more than 30 calendar days, will result in a cancellation of the RTA.

#### **9.13.4 Establishing Eligibility to Execute HAP Contract and Related Documents**

In cases involving multiple owners, the LACDA will accept the signature of a designee on all contracts and related paperwork if all the legal owners have jointly agreed on the person/persons who may act on their behalf.

In cases involving multiple owners, the LACDA requires that all persons who have interest in the property sign or provide a letter of authorization, giving one or more parties the right to sign contracts and other program documents.

In cases involving a partnership or corporation, the LACDA may request the partnership agreement or incorporation documents to determine who is designated to act on the group's behalf. In cases involving a trust, the LACDA may request a copy of the trust in order to verify the names of the trustees.

The LACDA will not execute a HAP Contract until all proper authorization, from all appropriate parties, has been provided. Failure to provide information needed to establish authority to execute the HAP contract within a reasonable time, generally 30 calendar days, may result in a cancellation of the RTA.

Once the LACDA has established proper authorization, the letter of authorization will remain in effect until superseded by another authorization or the HAP contract is terminated. All changes or modification to the instructions provided in the current letter of authorization must be provided in writing.

#### **9.13.5 Payment to the Owner**

##### **[24 CFR §982.311(a)]**

Once the HAP Contract is executed, the LACDA begins processing payments to the owner. Because the LACDA's sole method of payment to owners is direct deposit, new and existing owners must provide the necessary information for enrollment in the LACDA's direct deposit program. Payments will be made via direct deposit by the first of each month. Owners must notify the LACDA of any missing payments as soon as possible. The LACDA will accept report of missing payment both via a telephone call and/or in writing.

### **9.14 CHANGE IN OWNERSHIP**

A change in ownership does not require execution of a new contract.

The LACDA will process a change of ownership only upon the written request of the previous or new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title and the Employee Identification Number or Social Security number of the new owner.



In order to complete a change of ownership, the new owner must complete an Assumptions of Obligations and Benefits contract. This form obligates the new owner to the HAP contract. The LACDA will provide this document once a written request for a change is received.

When the assumption contract has been executed, the LACDA will send a copy of it, along with a copy of the original HAP contract and lease, to the new owner.

If a change in ownership occurs due to a foreclosure, the new owner automatically assumes the obligations of the HAP contract. The LACDA will make every attempt to ascertain the identity of the new owner and obtain any documents necessary to release payments to the appropriate party.

New owners are subject to the LACDA's owner disapproval policy as detailed in Section 9.11 of this chapter.



## **Chapter 10:**

### **HOUSING QUALITY STANDARDS AND INSPECTIONS**

#### **10.1 INTRODUCTION**

HUD requires that all units receiving housing assistance meet HUD's Housing Quality Standards (HQS) and permits the LACDA to establish additional requirements. The term "HQS" in this plan refers to the combination of both HUD and the LACDA's discretionary policies. HUD requires that HQS inspections be conducted before the Housing Assistance Payments (HAP) Contract is signed and at least Biennially during the term of the HAP Contract. This chapter explains the different types of inspections, the responsibilities of the owner and family, and the consequences for noncompliance with HQS by the owner and family.

#### **10.2 TYPES OF INSPECTIONS**

##### **[24 CFR §982.405]**

The LACDA conducts the following inspections, which will be explained in greater detail throughout the chapter:

- **New Contracts Inspections:** A unit must pass New Contract (initial) HQS inspection before the LACDA enters into a HAP Contract with the owner.
- **Biennial Inspections:** HUD requires that the LACDA inspect each unit under lease at least biennially to confirm that the unit still meets HQS.
- **Inspections at Other Times as Needed:**
  - **Interim Inspection:** HQS inspection conducted upon request of the owner, family or agency.
  - **Emergency Inspection:** HQS inspection conducted for life-threatening violations.
- **Quality Control Inspection:** The LACDA is required to conduct supervisor quality control HQS inspections.
- **Move-Out Inspection:** For its Moderate Rehabilitation Program, the LACDA may conduct a move-out inspection for contracts effective before October 2, 1995, at an owner's request, if a damage claim is to be submitted (see Section 20.13.4 for details on these inspections).

#### **10.3 HOUSING QUALITY STANDARDS (HQS)**

##### **[24 CFR §982.401]**

HQS is the minimum quality standards set forth by HUD for tenant-based programs. These standards are in place to ensure that assisted housing is decent, safe and sanitary. All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

Efforts will be made at all times to encourage owners to provide housing above the HQS minimum standards.

HQS applies to the building and premises, as well as the unit. In order for a unit to pass an HQS inspection, the following standards must be met.

**10.3.1 Unit Space and Size**

**[24 CFR §982.401(d)(2)(i)]**

At minimum, a living room, kitchen area, and bathroom must be located in the unit.

**10.3.2 Living Room / Sleeping Room**

**[24 CFR §982.401(d)(2)(ii), [24 CFR §982.401(h)(2)(iv)], [24 CFR §982.401(f)]**

- The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- There must be at least one window in the living room and in each sleeping room. If the window is designed to be openable, the window must open and close properly, and be large enough to provide emergency egress.
- The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.
- Bedrooms must also have a built-in closet or wardrobe, be located within the unit (e.g., no garages), and be private (have a closing door separating it from the rest of the unit). Bedrooms should also be finished in a quality similar to other bedrooms in the home.
- In cases where an owner has modified the rental unit without obtaining the proper city and/or County building permits, the LACDA may rely on the legal property description for the purposes of negotiating the rent and determining how many actual sleeping rooms are in the rental unit.

**10.3.3 Sanitary Facilities (Bathroom)**

**[24 CFR §982.401(b)], [24 CFR §982.401(h)(2)(iii)], [24 CFR §982.401(f)(2)(ii)]**

- The bathroom must be located in a separate private room and contain a working flush toilet.
- Bathroom areas must have one openable window or other adequate exhaust ventilation.
- The unit must have a fixed sink. The bathroom sink may be located separately from other bathroom facilities, but the kitchen sink may not also be used for the bathroom sink.
- The unit must have a shower or tub in proper operating condition, with hot and cold running water. The shower or tub need not be in the same room with other bathroom facilities, but they must be private.

- All walls in a tub or shower area must be covered with ceramic tile or other material that is impervious to water to prevent water damage and deterioration.
- Sinks and commode water lines must have shut off valves, unless faucets are wall-mounted. All sinks in the unit must have functioning stoppers.
- The bathroom must have a permanent ceiling or wall light fixture in proper operating condition.
- All bathrooms in the unit must be in proper operating condition.

#### **10.3.4 Food Preparation (Kitchen)**

**[24 CFR §982.401(c)], [24 CFR §982.401(f)(2)(ii)]**

- The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner (i.e., kitchen).
- The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The stove and oven must be properly hooked up to the gas, with no hazards present. The refrigerator must be able to maintain a temperature sufficient to keep food from spoiling over a reasonable period of time. The equipment may be supplied by either the owner or the family.
- A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
- The kitchen area must have a permanent ceiling or wall light fixture in proper operating condition, and at least one electrical outlet in proper operating condition.
- The dwelling unit must have a permanently attached kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must have a shut off valve, unless faucets are wall-mounted, and must drain into an approvable public or private system. All sinks in the unit must have functioning stoppers.
- There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

#### **10.3.5 Ceilings, Walls, Floors and Building Exterior**

**[24 CFR §982.401(g)]**

- The unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.
- Ceilings, walls, floors and fences must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

- Wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If the boards cannot be leveled, they must be replaced.
- The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- In areas where plaster or drywall is sagging, severely cracked, bulging or leaning, or has large holes, it must be repaired or replaced.
- The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable. Stairs with four or more steps must have a secure handrail.
- A porch or balcony at least 30 inches or more from the ground must have secure railings.
- The roof must be structurally sound and weather tight and must not have any serious defects, such as buckling or sagging. Gutters, downspouts and soffits must not show signs of serious decay and must not allow entry of significant air or water into the interior of the structure.
- The chimney must not be seriously leaning or showing evidence of significant disintegration.
- Building foundations must not have any severe structural defects that may create a hazardous condition, including allowing significant entry of ground water.

#### **10.3.6 Windows**

##### **[24 CFR §982.401(f)(1)(ii)], [24 CFR §982.401(d)(2)(iii)]**

- All window sashes must be in good condition, solid, intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
- Windows must be weather-stripped as needed to ensure a weather tight seal.
- Windows must not have missing or broken-out panes, or panes that are dangerously loose or have large cracks.
- If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the system.
- Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches).
- Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

### **10.3.7 Doors and Unit Access**

**[24 CFR §982.401(d)(2)(iv)], [24 CFR §982.401(k)]**

- All exterior doors must be solid core and weather tight to avoid any air or water infiltration, have no holes, and have all trim intact.
- All interior doors must have no holes, have all trim intact, and be openable without the use of a key.
- All exterior doors must have dead bolt locks.
- The unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

### **10.3.8 Thermal Environment**

**[24 CFR §982.401(e)]**

There must be a safe system for heating the unit, in proper operating condition. The heating unit must be affixed to the unit and be able to provide adequate heat, either directly or indirectly, to each room. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable. Portable heaters are not acceptable. Heating equipment also must not pose other unsafe conditions, such as improper flue connection or installation of equipment.

### **10.3.9 Electricity**

**[24 CFR §982.401(f)]**

The unit must not contain any electrical hazards, such as exposed electrical connections; broken, non-insulated or frayed wiring; improper types of wiring, connections or insulation, or wires lying in or near standing water or other hazardous locations.

The improper installation of a three-pronged outlet is considered an electrical hazard. All three-pronged outlets must be properly grounded or protected by a ground fault circuit interrupter (GFCI) outlet. An outlet is considered protected by a GFCI outlet if:

- The outlet is a GFCI outlet; or
- A GFCI outlet is located up stream on the circuit from the ungrounded, three-pronged outlet and will shut off current to the ungrounded outlet in case of a surge in the electrical current; or
- The ungrounded, three-pronged outlet is located on a GFCI circuit.

### **10.3.10 Smoke Detectors/Carbon Monoxide Detectors**

**[24 CFR §982.401(n)]**

#### **Smoke Detectors**

- Each assisted unit must be equipped with at least one properly working battery-operated or hard-wired smoke detector on each level of the unit.

- Whenever possible, smoke detectors should be installed in a hallway adjacent to a bedroom.
- If an assisted unit is occupied by a household with hearing-impaired persons, a permanently installed smoke detector designed for people with hearing-impaired persons must be located in each bedroom that is occupied by a hearing-impaired person.

### **Carbon Monoxide Detectors**

In order to reflect California law (The Carbon Monoxide Poisoning Prevention Act of 2010), the LACDA requires carbon monoxide detectors be installed as follows: Any unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage must have a carbon monoxide detector installed. (A fossil fuel is coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products that emit carbon monoxide as a byproduct of combustion)

Placement of the device should be as follows:

- There must be one carbon monoxide detector centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms, and each detector shall be located on the wall or ceiling. Any other location is only acceptable if specified in the installation instructions that accompany the device. If there are distinctly separate sleeping areas in the unit, there must be a detector for each sleeping area.
- There must be at least one Carbon Monoxide detector on each level of the unit.
- Carbon Monoxide detectors cannot be installed directly above, or next to a fuel burning appliance.
- If the device is a combination carbon monoxide device and smoke detector, then the combined device must emit an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

Units that do not meet the requirements outlined above will fail the Housing Quality Standards (HQS) inspection, and will be subject to rejection or abatement in accordance with HUD regulations and LACDA policy.

### **10.3.11 Neighborhood and Site Conditions; Sanitation and Environment**

**[24 CFR §982.401(l)], [24 CFR §982.401(m)]**

- The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade. These can include dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.



- Adequate covered facilities for the disposal of rubbish must be present at the site, such as covered dumpsters and other covered refuse containers approvable by the local health and sanitation department.
- The unit and its equipment must be in sanitary condition, and free from vermin and rodent infestation.

**10.3.12 Elevators**  
**[24 CFR §982.401 (g)(2)(v)]**

All elevators in a building must be operating safely. The LACDA requires all elevators to have a current permit issued by the State of California. If the permit is expired and the owner can provide documentation from the State of California that the application is being processed, the LACDA will pass the elevator in accordance with Section 7302 of the Labor Code as long as there are no obvious safety concerns present.

**10.3.13 Manufactured Homes/Mobile Homes HQS Requirements**  
**[24 CFR 982.621]**

In addition to meeting all other HQS requirements, a mobile home must meet the following requirements:

- It must be situated on a site that is stable and free from hazards such as sliding or wind damage.
- Must be appropriately anchored by a tie down device that distributes and transfers the load imposed by the unit to appropriate ground anchors to resist wind overturning and sliding. Alternative types of anchors, beams and foundation bolts are permissible if they meet manufacturer's specifications.
- One operable smoke detector is required.

**10.3.14 Additional Housing Quality Standards**  
**[24 CFR §982.401(a)(4)]**

The LACDA is authorized to enhance HQS, provided that by doing so the LACDA does not overly restrict the number of units available for leasing. The enhancements adopted by the LACDA are meant to ensure that assisted units are safe in relation to other units rented throughout Los Angeles County.

In addition to the HQS identified by HUD, all assisted units must also be in compliance with the following items derived from California and Los Angeles County Code, in order to pass an HQS inspection.

- **Double Cylinder Locks:** Double-keyed deadbolts, or any other lock requiring special knowledge or a tool to open, are prohibited in a residential unit. All doors that provide an exit from the residence must be openable from the inside without the need of a key or any other special knowledge, effort or tool.
- **Swimming Pools:** Swimming pools in multifamily structures must be enclosed by a gate from 48 inches to 60 inches tall. The gate must be self-

closing with a self-closing latch and a protected panel must surround the latch.

- **Hot Water Heater:** Water heaters must have a temperature-pressure relief valve and discharge line (directed toward the floor or outside of the living area) as a safeguard against build-up of steam if the water heater malfunctions. Gas or oil-fired water heaters must be vented into a properly installed chimney or flue leading outside. Electric water heaters do not require venting. A gas water heater must have a safety divider or shield if it is located in a bedroom or other living area.

If the water heater is located in a large apartment building (at least 25 units) and the unit is inaccessible, staff must check inconclusive on the inspection report. The item may be cleared if the owner or manager can provide documentation to show it has passed a local inspection.

- **Earthquake Straps for Water Heaters:** Must be secured for seismic stability. All water heaters must be braced, anchored or strapped to prevent falling or movement during an earthquake.
- **Garages:** Garages, whether attached or detached, must be accessible. Garages are not to be used as a living space.

#### **10.3.15 Single Room Occupancy (SRO) HQS Requirements** **[24 CFR §982.605]**

The HQS requirements outline in the above sections (specifically in §982.401) apply to SRO housing. However, the standards in this section apply in place of §982.401(b) (sanitary facilities), §982.401(c) (food preparation and refuse disposal), and §982.401(d) (space and security). Since the SRO units will not house children, the housing quality standards in §982.401(j), concerning lead-based paint, do not apply to SRO housing.

- **Access:** Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit for the building, appropriately marked and leading to a safe and open space at ground level.
- **Fire Safety:** All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways and common areas. SROs must also have hard-wired smoke detectors.
- **Sanitary Facilities:** At least one flush toilet that can be used in privacy, a lavatory basin, a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets.

Sanitary facilities must be reasonable accessible from a common hall or passageway, and may not be located more than one floor above the SRO unit. They may not be located below grade unless the SRO units are located on that level.

- **Space and Security:** A SRO unit must contain at least 110 square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from the outside the SRO unit must be lockable.

### **10.3.16 Serious Deficiencies**

Assisted units must meet all HQS performance requirements in order to pass an inspection. The LACDA has compiled the following list of specific conditions that are considered serious deficiencies that may cause a unit to fail an inspection. This list assists inspectors in making a determination regarding the condition of an assisted unit; however, deficiencies are not limited to this list:

1. No TPR/Drainpipe on water heater
2. Clogged toilets/sinks/wash basins/bathtubs
3. Severely worn or torn floor coverings posing a tripping hazard
4. Evidence of vermin infestation (fleas, roaches, termites, mice, and rats) in and around assisted unit
5. Excessive rubbish or debris in or around the assisted unit
6. Heavy accumulation of brush, weeds or tree branches near or extending over the assisted unit or in the power lines
7. Uneven, broken or lifting exterior walkways or driveways that pose a tripping hazard
8. Missing, loose or broken handrails, guardrails or balusters
9. Lack of windows in living or sleeping rooms
10. Lack of exterior ventilation (window or exhaust fan) in bathroom
11. Flammable or combustible materials stored near water heater or furnace
12. Missing or inoperable security bar release mechanism on bedroom windows
13. Evidence of sewage in or around assisted unit
14. Exterior doors or windows that do not open, close or lock properly
15. Exterior doors or windows that do not close and form a reasonably weather tight seal
16. Inoperable refrigerator or stove/range/oven
17. Hot water heaters not seismically restrained

### **10.4 LEAD-BASED PAINT** **[24 CFR §982.401(j)]**

The LACDA's rental assistance programs are subject to the requirements of the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992. Applicable regulations are detailed in 24 CFR §35.

The LACDA will be responsible for the collection of LBP disclosure information; conducting Visual Assessment inspections; assuring that Clearance Examinations are conducted; collect data regarding Elevated Blood Lead Level (EBLL) cases, and informing owners of their responsibilities.

#### **10.4.1 Disclosure**

##### **[24 CFR §35(Subpart A)]**

Owners of units built before 1978 are required to disclose to lessees all available information about the presence of lead-based paint or lead-based paint hazards and provide any available record or reports pertaining to the presence of lead-based paint or lead-based paint hazards, before the lease is enacted.

Lessees must also receive a copy of the lead hazard information pamphlet, "Protect Your Family From Lead in Your Home."

For all new contracts, the LACDA will require owners to certify on the RTA that they have met all applicable lead-based paint disclosure requirements. If applicable, the LACDA will require owners to submit a copy of the lead-based paint disclosure statement, and any inspection reports.

The LACDA will include a sample lead-based paint disclosure form and a lead hazard information pamphlet in voucher issuance packets for participants. Materials will be made available directly to owners upon request.

For units built before 1978, the LACDA will not approve an owner lease without receiving all applicable lead-based paint disclosure information.

#### **10.4.2 Lead-Based Paint Visual Assessment**

##### **[24 CFR §35.1215]**

The LACDA is required to conduct lead-based paint visual assessments for all units built prior to 1978 that house or will house a child or children under 6 years of age, at the time of the new contract inspection and at re-inspections.

The LACDA inspectors conducting lead-based paint visual assessments will be trained according to HUD requirements.

The purpose of the visual assessment is to identify any deteriorated paint. Deteriorated paint is paint that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate. Inspectors will check the condition of painted surfaces. If any deteriorated paint is found in the course of the inspection, the unit will fail the lead-based paint visual assessment. Owners must perform paint stabilization on all deteriorated paint surfaces regardless of the size of the deteriorated surface. If the amount of deteriorated paint is below the de minimis level, the owner must perform paint stabilization, but is not required to perform lead-safe work practices and clearance. The de minimis thresholds are defined as 20 sq. ft. (2 sq. meters) on exterior surfaces; 2 sq. ft. (0.2 sq. meters) in any one

interior room or space; or 10% of the total surface area on an interior or exterior type of component with a small surface area (such as window sills, baseboards, and trim).

If deteriorated paint exceeds the de minimis thresholds as defined by HUD, the unit will fail the lead-based paint visual assessment and require stabilization and a clearance report

#### **10.4.3 Stabilization and Clearance**

##### **[24 CFR §35.1215]**

Owners of units that fail the lead-based paint visual assessment above de minimis levels will be required to stabilize deteriorated paint in order for the unit to pass, using lead-safe work practices.

The LACDA will send a letter to owners of failed units that provides guidance on stabilizing paint and other required activities. Owners will have 30 calendar days from the letter date to complete the following:

- **Repair the deteriorated paint.** Work must be performed by certified lead workers using lead-safe work practices. The LACDA will provide owners with resources and information on meeting these guidelines.
- **Obtain a Clearance Report.** A contractor certified by the Environmental Protection Agency (EPA) must inspect the unit and prepare a Clearance Report summarizing the work completed and the inspection results.
- **Complete the LACDA's Lead-Based Paint Owner Certification form.** The owner must certify that all applicable requirements have been met.
- **Submit Clearance Report and Certification to the LACDA.** The LACDA will accept paperwork by mail, fax, and hand delivery.

The owner is responsible for informing tenants of all lead hazard reduction work and evaluations, in a manner consistent with HUD regulations.

If the unit has been previously certified free of lead-based paint by a certified inspector, the owner may submit a copy of the inspector's report, along with the certification form, to the LACDA.

The LACDA will review the Clearance Report and certification form for completeness. The Clearance Report must contain all information required by HUD. If the Clearance Report passes, the unit will receive a pass on the visual assessment; no further inspection visit is required.

On new contracts inspections, the passing Clearance Report and valid certification form must be received by the LACDA before the LACDA can enter into a HAP Contract with the owner. If this does not take place within 30 calendar days, the LACDA will cancel the RTA.

For biennial inspections, if the owner fails to submit the passing Clearance Report and valid certification form within 30 calendar days, the Housing Assistance Payments (HAP) will be placed on hold (abated) for the unit and the participant will be issued a voucher. The owner will have an additional 60 calendar days to obtain

and submit a valid Clearance Report before the HAP Contract is terminated. See Section 10.11.1 for details on abatement.

Assisted Housing's Director will review reasonable cause requests for extension. Extension requests must be submitted in writing within the first 30 calendar days of the failed lead-based paint visual assessment. An extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment. If an extension is approved, the HAP will not be abated during this extension period. Reasonable cause circumstances include prohibitive weather conditions, financial hardship, and rehabilitation in progress.

#### **10.4.4 Children with Environmental Intervention Blood Lead Levels**

##### **[24 CFR §35.1225]**

On a quarterly basis, the Division will send the Los Angeles County Department of Health Services Childhood Lead Poisoning Prevention (CLPP) Program the addresses of assisted families with children under the age of 6. CLPP Program staff will check the addresses for matches with cases of identified Environmental Blood Lead Levels (EBLL). If a match is found, CLPP Program staff will conduct an Environmental Investigation of the occupied unit and forward a report to the Division. An Environmental Investigation is a comprehensive evaluation for LBP hazards that goes beyond the Visual Assessment component including paint testing, and dust and soil sampling. The Environmental Investigation Report identifies lead hazards and appropriate lead hazard reduction methods.

A copy of the Environmental Investigation Report must immediately be forwarded to the participating owner once received by the Division. The owner must post a Notice of Lead Hazard Evaluation within 15 calendar days and complete lead hazard reduction and clearance activities as advised in the Report within 30 calendar days.

The LACDA must also conduct a Risk Assessment of other assisted units at the same property that house children under the age of 6, within 30 calendar days of receiving the Environmental Investigation Report, if lead hazards were identified.

The LACDA is not allowed to assist any other participant in the unit until the owner complies with the Report.

If informed about an EBLL case from a source other than the CLPP Program, the Division must submit the information to the CLPP Program within 5 calendar days. The CLPP Program will conduct an Environmental Investigation of the occupied unit if required.

#### **10.5 INSPECTIONS SCHEDULE**

Inspections are conducted on business days between the hours of 7:00 a.m. and 5:00 p.m. An individual over 18 years of age must be present to allow entry for the inspector.

#### **10.6 NEW CONTRACT (INITIAL) INSPECTIONS**

##### **[24 CFR §982.305(b)(2)(i)(B)]**

Under normal circumstances, a new contract (initial) inspection is conducted within 15 calendar days following the receipt of a Request for Tenancy Approval. The new contract inspection is conducted in order to:

1. Determine if the unit, including common areas, meets housing quality standards.
2. Document the current condition of the unit. This will serve as the basis to evaluate the future condition of the unit, i.e. excessive wear and tear.

#### **10.6.1 When HQS Deficiencies Must Be Corrected**

If the unit fails the initial inspection, the unit will be scheduled for a follow-up inspection within 10 calendar days. The owner will be given 30 calendar days to correct the deficiencies. The owner can request an inspection sooner if repairs have been made prior to the scheduled follow-up inspection date.

If the time period given by the LACDA to correct the deficiencies has lapsed, or the maximum of three failed inspections has occurred, the family must select another unit.

The LACDA will not enter into a HAP Contract with the owner until the unit passes the inspection. However, the family may already be in the unit when the new contract inspection is conducted. If the family lives in the unit at the time of the new contract inspection, they are responsible for meeting their HQS obligations. See Section 10.8 for details of the family's HQS obligations.

### **10.7 BIENNIAL AND INTERIM INSPECTIONS**

**[24 CFR §982.405]**

#### **10.7.1 Biennial Inspections**

HUD requires each unit under HAP contract have a biennial Housing Quality Standards inspection no more than 24 months after the most recent initial or biennial inspection.

As permitted by HUD and at the LACDA's discretion, the LACDA may meet its biennial inspection requirement by accepting a comparable passed inspection performed under the HOME Investment Partnership (HOME) program or housing financed using Low Income Housing Tax Credits (LIHTCs), or inspections performed by HUD.

As stated in the family obligations, the family must allow the LACDA to inspect the unit at reasonable times and after reasonable notice. The LACDA will notify the family and/or owner of the date and time of the scheduled inspection appointment in writing at least 15 calendar days prior to the inspection.

Appointments may be rescheduled before the scheduled inspection as long as the new inspection date allows the LACDA to remain in compliance with HUD HQS requirements. Inspections may be rescheduled by phone, fax or email.

If the family misses the inspection appointment and fails to contact the LACDA to reschedule the inspection beforehand, the LACDA will consider the family to be in violation of the Certified Statement of Family Obligation agreement and will initiate

termination procedures in accordance with the LACDA's policy for proposed termination. If the family missed the inspection appointment for good cause, including but not limited to, illness, injury, or hospitalization, the LACDA may consider, on a case by case basis, evidence to support the reason for the missed appointment before proposing termination. If it is the first time the family missed an inspection appointment without good cause, a one-time counseling session will be conducted with the family in lieu of proposing termination.

#### **10.7.2 Interim Inspections**

Interim inspections are conducted at the request of the owner, family, or agency (usually as a result of a violation of HQS or violation of the lease). Interim inspections may be scheduled and conducted at any time of the year.

### **10.8 FAILED INSPECTIONS: DETERMINATION OF RESPONSIBILITY** **[24 CFR §982.404]**

#### **10.8.1 Family Responsibilities**

The family is responsible for correcting the following HQS deficiencies:

- Family-paid utilities not in service.
- Failure to provide or maintain appliances owned by the family.
- Damages to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS.
  - "Normal wear and tear" is defined as items that could be charged against the family's security deposit under state law or court practice.

#### **10.8.2 Owner Responsibilities**

The owner is responsible for all other HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's action constitutes a serious or repeated lease violation the owner may take legal action to evict the family.

### **10.9 FAILED INSPECTIONS: WHEN DEFICIENCIES MUST BE CORRECTED** **[24 CFR §982.404(a)(b)]**

#### **10.9.1 Emergency Fail Deficiencies**

Items that endanger the family's health or safety are considered emergency fails. These deficiencies must be corrected within 24 hours of inspection. The following deficiencies are considered life-threatening, emergency fails, and will cause a unit to be labeled uninhabitable:

- Gas leaks
- Major plumbing problems
- No running water



- No functioning toilet
- Unstable roof/structure

In cases where the unit is deemed uninhabitable, the family will be issued a voucher within 24 hours so that they can make arrangements to secure another residence if necessary.

If an emergency fail deficiency is not corrected in the time period required by the LACDA, and the owner is responsible, the housing assistance payment will be abated immediately and the contract will be terminated.

If repairs are completed and the family wishes to move back into the unit, a new RTA will need to be submitted for that unit and the New Contract Process will need to be completed again.

If the emergency fail deficiency is not corrected in the time period required by the LACDA, and the family is responsible, the LACDA will terminate the family's assistance for violating family obligations (see Chapter 15: Termination of Assistance), but will not abate the payment to owner for that month.

### **10.9.2 Non-Emergency Fail Deficiencies**

Biennial or Interim inspections that result in non-emergency deficiencies that cause a unit to fail must be corrected within 30 calendar-days.

Non-emergency deficiencies include, but are not limited to:

- Inoperable gas wall or floor heater
- Damaged (not missing) outlet covers
- Inoperable secondary smoke detectors
- Presence of vermin/roaches (not infestation)
- Minor faucet and/or plumbing leaks

The family and owner will be notified of the failed items and next scheduled inspection in writing. Owner related non-emergency deficiencies will not require a follow-up inspection if cleared by an owner certification and appropriate third-party verification. If the owner opts to submit a certification it must be signed by both owner and participant. Appropriate third-party documentation must also be supplied to support the certification. Types of appropriate verifications include but are not limited to:

- Photo(s) of the repair,
- Utility receipt, and
- Vendor receipt or invoice.

If the certification is not approved by a supervisor, a follow-up inspection must be performed. Non-emergency deficiencies for units under the Project-Based Voucher program may not be cleared remotely. A follow up inspection must be conducted.

If the necessary repairs have been completed prior to the next scheduled inspection and have not been cleared by a certification signed by both owner and participant, the owner or tenant may request an earlier inspection date. Requests

for earlier repair dates will be reviewed and accommodated in a case-by-case basis.

For major repairs, the Inspections Unit Supervisor or Manager may approve an extension beyond 30 calendar days. However, the extension granted cannot exceed 60 calendar days.

If owner-caused deficiencies are not corrected in the time period required by the LACDA, housing assistance payments will be abated and the contract may be terminated. If family-caused deficiencies are not corrected in the time period required by the LACDA, housing assistance may be terminated. See Sections 10.10 and 10.11 below for more information.

## **10.10 CONSEQUENCES OF VERIFIED FAMILY-CAUSED DEFICIENCIES**

### **[24 CFR §982.552(a)]**

The family has a responsibility to maintain the assisted unit in good condition and to notify the owner of needed repairs. Under HQS, the family is responsible for correcting any HQS violation listed in section 10.8.1 of this chapter. If non-emergency violations of HQS are determined to be the responsibility of the family, the LACDA will require the family to make any repair(s) or corrections within the 30 calendar-day cycle.

Housing assistance will be terminated if an assisted unit continues to fail housing inspections for family-caused deficiencies or the family fails to keep scheduled appointment(s). See Chapter 16 (Informal Reviews/Hearings) for more information regarding a family's right to an informal hearing under a termination of housing assistance for a breach of the HQS caused by the family.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

Extensions will be granted on a case-by-case basis and must be approved by the Unit Supervisor. Extensions may be granted as a reasonable accommodation in accordance with sections 1.9.2 and 7.11.10.

If it has been concluded that all deficiencies are family-caused, the owner's rent will not be abated for such items.

## **10.11 CONSEQUENCES OF VERIFIED OWNER-RELATED DEFICIENCIES**

### **[24 CFR §982.404(a), 24 CFR §982.452 and 24 CFR §982.453]**

The owner is responsible for maintaining the unit in accordance with HQS. When it has been determined that an assisted unit fails to meet HQS, the owner of that unit is responsible for completing the necessary repair(s) in the time period specified by the LACDA. If the owner fails to correct deficiencies within the specified time period, the LACDA is obligated to withhold (abate) housing assistance payments.

#### **10.11.1 Abatement**

##### **[24 CFR §982.453(b) and 24 CFR §982.404(a)(3)]**

Abatement is defined as withholding Housing Assistance Payments (HAP) to the owner for the period of time the unit is out of compliance with HQS requirements.

HAP will be abated if:

**1. The assisted unit fails the first and second housing inspections due to owner-related deficiencies.**

If a unit fails the first inspection due to owner-related deficiencies, the notice sent to the owner stating the deficiencies, repairs that need to be made, and the date of the next inspection will also serve as notice that HAP will be abated if the unit fails a second inspection due to owner-related deficiencies.

If, after the 30-day correction period, the unit then fails the second inspection due to owner-related deficiencies, the LACDA will stop payment on the first day of the month following the expiration of the 30-day correction period.

The owner will be notified of the date of a final inspection. Under normal circumstances, the LACDA will inspect an abated unit within 30 calendar days after the abatement notification has been issued.

If the owner makes repairs during the abatement period, HAP payments will resume on the day the LACDA's inspector has verified the corrections and the unit passes inspection.

A standard calculation using the actual days in the month to establish a daily rate will be used to reconcile abatement payments. No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the family is not responsible for the LACDA's portion of rent that is abated. However, the family is responsible to pay its portion of the rent while abatement is in effect.

If an assisted unit fails the third and final housing inspection for owner-caused deficiencies, the LACDA will terminate the HAP Contract. The LACDA will notify the owner of the termination in writing 30 calendar days before it becomes effective. Abatement will remain in effect until the effective date of the termination.

The LACDA is prohibited from implementing rent abatement for family-caused deficiencies. However, abatement will apply if family-caused and owner-related deficiencies exist together.

**2. The LACDA has verified that the assisted unit has emergency fail deficiencies, and the owner did not complete the necessary repairs within the required timeframe.**

**3. A unit built before 1978 that houses or will house a child under 6 years of age fails the lead-based paint visual assessment, and the owner fails to submit a complete, passing clearance report and certification within 30 calendar days.** If a unit fails the lead-based paint visual assessment, the owner will have 30 calendar days from the date of the notice to perform clearance and submit passing paperwork. If the owner fails to meet these requirements (see Section 10.4 for more information on lead-based paint), HAP will be abated and the LACDA will stop payment on the first day of the

month following. The participant will be issued a voucher. The owner will have an additional 60 calendar days to obtain and submit a valid Clearance Report before the HAP Contract is terminated.

Families that reside in units that have been abated will be issued a voucher and will have the option to move even if the assisted unit passes inspection at the third and final inspection (this excludes participants of the Moderate Rehabilitation Program).

**10.11.2 Termination of Contract**

**[24 CFR §982.453(b)]**

When the HAP Contract has been terminated, the family will be required to move in order to continue receiving rental assistance.

RTA submitted for units that have been terminated due to abatement will be reviewed on a case-by-case basis. In cases where the RTA is accepted, the family will be brought in for counseling on their situation.

**10.12 QUALITY CONTROL INSPECTIONS**

**[24 CFR §982.405(b)]**

To ensure efficient program operations, it is essential for management to apply sound quality control practices. The purpose of quality control inspections is to objectively ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of HQS.

Quality control inspections will be performed by a Quality Assurance Representative according to SEMAP Indicator #5 which meets the minimum quality control sample size for the number of units under HAP contract during the last completed LACDA fiscal year for SEMAP.

## **Chapter 11:**

# **PAYMENT STANDARDS AND DETERMINING RENT REASONABLENESS**

### **11.1 INTRODUCTION**

#### **[24 CFR §982.503]**

The LACDA is responsible for ensuring that the rents charged by owners are reasonable based upon objective comparables in the rental market. When the LACDA has determined that the unit meets the minimum HQS, that the lease is approvable, and that the rent is reasonable, it will make timely payments to the owner and notify the owner of the procedures for rent adjustments in the rental assistance programs. This chapter explains the LACDA's procedures for setting and applying the payment standards and performing rent reasonableness analysis.

### **11.2 SETTING PAYMENT STANDARDS**

#### **[24 CFR §982.503]**

The Payment Standard sets the maximum subsidy payment a family can receive from the LACDA each month. Payment Standards are based on Fair Market Rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

LACDA must establish a Payment Standard schedule that establishes Payment Standard amounts for each FMR area within the LACDA's jurisdiction and for each unit size within each of the FMR areas. For each unit size, the LACDA may establish a single Payment Standard amount for the whole FMR area or may set different Payment Standards for different parts of the FMR area. Unless HUD grants an exception, the LACDA is required to establish a Payment Standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

#### **11.2.1 Updating Payment Standards**

The LACDA must revise the payment standard amount no later than 3 months following the effective date of the published FMR if a change is necessary to stay within the basic range. The LACDA must set the payment standard at a level that is high enough to ensure that families are able to afford quality housing while also balancing the need to provide assistance to as many families on the waiting list as possible.

The LACDA will review the payment standards at least annually to determine whether an adjustment should be made for some or all unit sizes. The following provides a list of the factors that will be used to evaluate the adequacy of the payment standard and/or be used to make a determination to adjust standards, as appropriate.

As a reasonable accommodation, a family may request a higher payment standard. The LACDA may, at its discretion and in accordance with sections 1.9.5, approve a higher payment standard to 120% of the prevailing Fair Market Rent (FMR).

### **11.2.2 Funding Availability**

LACDA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. LACDA will compare the number of families who could be served under revised Payment Standard amounts with the number assisted under current Payment Standard amounts.

### **11.2.3 Assisted Families' Rent Burdens**

The LACDA will review reports showing the percent of income used for rent by voucher families to determine the extent to which the rent burden is more than 50 percent of income.

If more than 40 percent of program families in the overall program, or for a specific unit size, are contributing in excess of 50 percent of their adjusted monthly income towards rent, the LACDA will consider increasing the voucher payment standards. The payment standard will not be raised if:

- The payment is already at the maximum level HUD will allow (110%).
- The LACDA would have to reduce the number of new admissions by 20 percent or more for the upcoming year in order to fund the increase.

### **11.2.4 Success Rate of Voucher Holders**

The LACDA will periodically review the success rate of voucher holders. If 25 percent or more of new admissions and/or families wishing to move are unable to use the vouchers due to current rental rates in Los Angeles County, the LACDA will consider increasing the payment standard for particular unit sizes and/or the entire program, as appropriate.

The payment standard will not be increased if:

- The payment is already at the maximum HUD will allow (110%)
- The LACDA would have to reduce the number of new admissions by 20 percent or more for the upcoming year in order to fund the increase

### **11.2.5 Rent Reasonableness Database**

The LACDA will review the rent information in the rent reasonableness data bank and compare it to the payment standards established for the Housing Choice Voucher Program. If the rent reasonableness review indicated that the payment standards are higher than the average rental unit in Los Angeles County, the payment standard for the specific unit size, or all payment standards, will be lowered to reflect the current market rents.

### **11.2.6 Quality of Units Selected**

The LACDA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

### **11.2.7 File Documentation**

A file will be retained in the LACDA's Administrative Support Unit for at least 3 years to document the analysis and findings to justify whether or not the Payment Standard was changed.

## **11.3 SMALL AREA FMR**

Beginning in 2018, HUD published Small Area FMRs (SAFMRs) determined by zip code along with the metropolitan wide FMRs. All the rules that apply to the FMRs also apply to SAFMRs and any references to FMRs are intended to include SAFMRs also.

The SAFMRs are scheduled to be implemented in FY 2022-2023 under the HCV Mobility Demonstration Program.

Where the payment standard is decreasing due to the new SAFMRs, the LACDA will hold the families harmless as long as they continue to live in the same assisted unit with a current HAP contract with an effective date on or after the program implementation date.

Where the payment standard is increasing due to the new SAFMRs, the LACDA will implement the change at the next annual recertification.

Only the vouchers used for the HCV Mobility Demonstration program utilizes SAFMRs. Programs that will continue to use the metropolitan FMRs include but are not limited to:

- Housing Choice Voucher program;
- Veterans Affairs Supportive Housing program;
- Continuum of Care program
- Housing Opportunities for Persons with AIDS
- Moderate Rehabilitation; and
- Project-based vouchers.

Information about the SAFMR's can be found under Chapter 22. Mobility Demonstration Program.

## **11.4 EXCEPTION PAYMENT STANDARDS**

### **[24 CFR §982.503(c)]**

LACDA must request HUD approval to establish Payment Standards that are higher than the basic range. At HUD's sole discretion, HUD may approve a Payment Standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception Payment Standard amount (in accordance with program requirements) for all units or for all units of a given size, leased in the exception area. The total population of all HUD-approved exception

areas in an FMR area may not include more than 50 percent of the population of the FMR area.

### **11.5 UNIT-BY-UNIT EXCEPTIONS**

[24 CFR §982.503(c)(2)(ii), §982.505(d), and Notice PIH 2010-26]

Unit-by-unit exceptions to the LACDA's Payment Standards generally are not permitted. However, an exception may be made as a Reasonable Accommodation for a family that includes a person with disabilities. This type of exception does not affect the PHA's Payment Standard schedule.

When needed as a Reasonable Accommodation, LACDA may make an exception to the Payment Standard without HUD approval if the exception amount does not exceed 110 percent of the applicable FMR for the unit size.

LACDA may request HUD approval for an exception to the Payment Standard for a particular family, if the required amount falls between 110 and 120 percent of the FMR.

A family that requires a Reasonable Accommodation may request a higher Payment Standard at the time the Request For Tenancy Approval (RTA) is submitted. The family must document the need for the exception.

In order to approve an exception or request an exception from HUD, LACDA must determine that:

- There is a shortage of affordable units that would be appropriate for the family;
- The family's share would otherwise exceed 40 percent of adjusted monthly income; and
- The rent for the housing unit is reasonable.

### **11.6 SUCCESS RATE PAYMENT STANDARD AMOUNTS**

[24 CFR §982.503(e)]

If a substantial percentage of families have difficulty finding a suitable unit, the LACDA may request a "Success Rate Payment Standard" that applies to the entire jurisdiction. If approved by HUD, a success rate Payment Standard allows the LACDA to set its Payment Standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, the PHA must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued Vouchers became participants;
- The LACDA established Payment Standards for all unit sizes and for the entire jurisdiction at 110 percent of the published FMR; and
- The LACDA had a policy of allowing Voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate Payment Standard for all unit sizes in the FMR area, the PHA may choose to adjust the Payment Standard for only some



unit sizes in all or a designated part, of the LACDA's jurisdiction within the FMR area.

### **11.7 DECREASES IN THE PAYMENT STANDARD BELOW THE BASIC RANGE**

[24 CFR §982.503(d)]

LACDA must request HUD approval to establish a Payment Standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a Payment Standard lower than the basic range. HUD will not approve a lower Payment Standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

### **11.8 APPLYING PAYMENT STANDARDS**

**[24 CFR §982.505]**

The LACDA's schedule of Payment Standards is used to calculate Housing Assistance Payments for HCV families. This section covers the application of the LACDA's Payment Standards.

Payment Standard is defined as "the maximum monthly assistance payment for a family assisted in the Voucher program (before deducting the Total Tenant Payment by the family)". [24 CFR §982.4(b)]

The Payment Standard for a family is the lower of (1) the Payment Standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the LACDA's Subsidy Standards [24 CFR §982.4(b)] or (2) the Payment Standard for the size of the dwelling unit rented by the family.

If the LACDA has established an exception Payment Standard for a designated part of an FMR area and a family's unit is located in the exception area, the LACDA must use the appropriate Payment Standard for the exception area.

The LACDDA is required to pay a monthly Housing Assistance Payment (HAP) for a family that is the lower of (1) the Payment Standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

If during the term of the HAP Contract for a family's unit, the owner lowers the rent, the LACDA will recalculate the HAP using the lower of the initial Payment Standard or the gross rent for the housing unit. [HCV GB, page 7-8]

### **11.9 CHANGES IN PAYMENT STANDARDS**

When the LACDA revises the Payment Standards during the term of the HAP Contract for a family's unit, it will apply the new Payment Standards in accordance with HUD regulations.

#### **11.9.1 DECREASES IN PAYMENT STANDARDS**

If the amount on the Payment Standard schedule is decreased during the term of a HAP Contract, the lower Payment Standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the Payment Standard. The LACDA will determine the Payment Standard for the family as follows:

**Step 1:** At the first regular reexamination following a decrease in the Payment Standard, the LACDA will determine the Payment Standard for the family using the lower of the Payment Standard for the family unit size or the size of the assisted unit.

**Step 2:** The LACDA will compare the Payment Standard from step 1 to the Payment Standard last used to calculate the monthly Housing Assistance Payment for the family. The Payment Standard used by the LACDA at the first regular reexamination following the decrease in the Payment Standard will be the higher of these two Payment Standards. The LACDA will advise the family that the application of the lower Payment Standard will be deferred until the second regular reexamination following the effective date of the decrease in the Payment Standard.

**Step 3:** At the second regular reexamination following the decrease in the Payment Standard, the lower Payment Standard will be used to calculate the monthly Housing Assistance Payment for the family unless the LACDA has subsequently increased the Payment Standard, in which case the Payment Standard will be determined in accordance with procedures for increases in Payment Standards described below.

#### **11.9.2 INCREASES IN PAYMENT STANDARDS**

If the Payment Standard is increased during the term of the HAP Contract, the increased Payment Standard will be used to calculate the monthly Housing Assistance Payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the Payment Standard.

Families requiring or requesting interim reexaminations will not have their assistance calculated using the higher Payment Standard until their next annual reexamination.

#### **11.9.3 CHANGES IN FAMILY UNIT SIZE**

Irrespective of any increase or decrease in the Payment Standard, if the family unit size increases or decreases during the HAP Contract term, the new family unit size must be used to determine the Payment Standard for the family beginning at the family's first regular reexamination following the change in family unit size.

#### **11.9.4 REASONABLE ACCOMMODATION**

If a family requires a higher Payment Standard as a Reasonable Accommodation for a family member who is a person with disabilities, the LACDA is allowed to establish a higher Payment Standard for the family within the basic range.

### **11.10 RENT REASONABLENESS DETERMINATIONS**

#### **[24 CFR §982.507]**

The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit that is rented with Section 8 subsidized rental assistance.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD requires that owner not charge more for assisted units than for comparable units on the premises. By accepting the LACDA payment each month, the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must provide the LACDA information regarding rents charged for other units on the premises.

As required by HUD, the LACDA will obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements §982.352(b).

This section provides the methods LACDA uses to determine a unit's rent is reasonable.

## **11.11 WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

### **11.11.1 LACDA and HUD initiated Rent Reasonableness Determinations**

HUD requires LACDA make a redeterminations of rent at the HAP contract anniversary if there is a 10 percent decrease in the published fair market rent (FMR) in effect 60 days before the HAP contract anniversary. The LACDA may also re-determine reasonable rents at any time.

### **11.11.2 Owner Initiated Rent Determinations**

The LACDA must make a rent reasonableness determination at initial occupancy. At initial occupancy, the LACDA must determine the proposed rent reasonable before executing a HAP contract. Subsequent requests must be in accordance with the lease between the owner and the family. Subsequent requests must also be in accordance with HUD requirements and the LACDA policy.

As stated in the HUD Tenancy Addendum, the owner must notify the LACDA at least 60-days before the proposed effective date of the intended rent increase. The owner must notify the LACDA by submitting the LACDA's Rent Increase form and providing a copy of the tenant's notice. The tenant must be notified in writing, at least 60-days before the proposed effective date of the intended rent increase. Rent adjustments will be effective the first of the month following 60-days of LACDA's receipt of the owner's request via a completed Rent Increase Form or on the date specified by the owner, whichever is later.

In accordance with the HUD Tenancy Addendum, the LACDA will disapprove requests made during the initial term of a lease. Requests can be made any time after the initial term of the lease.

As authorized by the HAP contract, the LACDA will not approve a rent increase if the HAP contract is in abatement for owner-related HQS deficiencies.

The LACDA will use the same criteria defined in this rent reasonableness determinations and methodology section to ensure a request for a rent increase meets HUD's rent comparability requirement. If the asking rent is determined not be reasonable, the LACDA will advise both the owner and the family that the

increase cannot be approved. If a partial rent increase can be approved, the LACDA will notify the owner, and process the partial increase upon owner approval. Additionally, the rent will be reduced if the existing rent exceeds the reasonable rent as most recently determined in accordance with section 11.3 of this Plan.

**11.11.3 Rent Determination for units with Low Income Housing Tax Credits (LIHTC) or HOME-funded subsidies**

When the proposed rent for a LIHTC or HOME unit is equal to or less than the rent for similarly assisted units in the same building, not occupied by voucher holders, the proposed rent will be deemed reasonable.

The LACDA will not approve rents in LIHTC-funded or HOME-funded units that exceed the higher of the voucher payment standard, as set by the LACDA, or the rent for similarly assisted units in the same building, not occupied by voucher holders.

**11.11.4 RENT REDUCTIONS**

At any time, the owner may request a reduction of the contract rent by submitting a written notice to the LACDA. The notice must state the requested contract rent amount and the effective date of the reduction.

Retroactive reductions will only be considered if the owner is mandated to reduce the contract rent in order to become compliant with the obligations of any other rental assistance programs such as the HOME program or the Low Income Housing Tax Credit (LIHTC) program. In such cases, the owner must provide a copy of the notice requiring a retroactive reduction of the contract rent.

**11.12 METHODOLOGY USED FOR ESTABLISHING UNIT COMPARABILITY**

**11.12.1 FACTORS TO CONSIDER**

The LACDA contracts with an outside third-party vendor, AffordableHousing.com to provide a Rent Comparable System. The third-party vendor collects data and provides an online system that considers a variety of criteria to determine rent comparable information, including:

- Unit Location
- Quality
- Size
- Type
- Age of the contract unit
- Amenities
- Housing services
- Maintenance; and
- Utilities provided by the landlord.

The third-party vendor gathers open market rental data on an ongoing basis from websites and newspapers and applies a hedonic price analysis to compare a subject unit with similar comparable units in a geographic area. Comparable units represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions are not considered comparable units.

### **11.12.2 UNITS THAT MUST NOT BE USED AS COMPARABLES**

As noted above, comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs:

- Section 8 project-based assistance,
- Section 236 and Section 221(d)(3)
- Below Market Interest Rate (BMIR) projects,
- HOME or Community Development Block Grant (CDBG) program assisted units in which the rents are subsidized;
- units subsidized through federal, state, or local tax credits;
- units subsidized by the Department of Agriculture rural housing programs, and
- units that are rent-controlled by local ordinance.

See Notice PIH 2011-46 issued August 17, 2011 provides further guidance on the issue of what constitutes an assisted unit.

### **11.12.3 RENTS CHARGED FOR OTHER UNITS ON THE PREMISES**

By accepting the LACDA's payment each month, the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the LACDA information regarding rents charged for other units on the premises.

The LACDA ensures that rent for assisted tenant-based units do not exceed rents reported by the owner for like or similar units on the premises.

- For the initial contract of a unit, if the unit is a multifamily property (defined by HUD as consisting of five or more units on the premises), the owner must provide information on the last three rentals of like and similar unassisted units on the Request for Tenancy Approval (RTA).
- If an owner requests a rent increase, the owner must provide the LACDA with information on the three most recently rented unassisted like and similar units on the premises within the last year or indicate that there were no such rentals within the last year.

The rent for the unit may not exceed the lower of the reasonable rent as determined by the third party vendor system if such information is available or the most recent owner disclosed comparable rent for unassisted units on the premises provided by the owner.

In the case of a re-determination of rent reasonableness during the term of the HAP Contract, the LACDA may require an owner to provide rent reasonableness information in writing at any time.

**11.12.4 UNITS NOT COVERED BY THE THIRD PARTY VENDOR SYSTEM**

The third party vendor system does not provide information for mobile home space rentals. In some cases the third party vendor system may not provide adequate information on specific types of units in certain areas.

For units not covered by the system, the LACDA will email [hasupport@gosection8.com](mailto:hasupport@gosection8.com) to request comparables. The request will include the following information: The Full Subject Address and rent being requested. If applicable, the area in which the comparable must stay within (i.e. Zip Code or City).

## **Chapter 12: RE-EXAMINATION**

### **12.1 INTRODUCTION [24 CFR §982.516(a)]**

To assure that tenancy is restricted to participants meeting the eligibility requirements for continued occupancy and are charged appropriate rents; the eligibility status of each participant is re-examined at least annually, based on the anniversary date, per HUD requirements. The initial contract establishes the anniversary date for all new admissions. For continuing participants, the anniversary date established as of November 1, 2010 will remain unchanged.

The effective date of an annual reexamination may be no more than twelve months from the effective date of the previous year's annual reexamination, or the anniversary date of the HAP contract if within the first year of the contract.

#### **12.1.1 Procedure**

As part of the annual reexamination process, families are required to provide updated information to the LACDA regarding the family's income, expenses, and composition. To maintain program efficiency and integrity, the LACDA at its own discretion may conduct re-examination interviews by mail, in-person, or through its Yardi Rent Café portal. The LACDA will attempt to conduct all annual re-examinations interviews through its online Rent Café portal.

For families who have language barriers and/or need assistance in accessing the online Rent Café portal, the LACDA will provide accommodations as necessary to ensure that the family can submit the required information and documents through the online Rent Café portal.

For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.

### **12.2 RE-EXAMINATION NOTIFICATION TO THE FAMILY**

Participating families are advised of the annual re-examination requirement and the importance of reporting income and family composition changes as they occur during the initial re-examination.

#### **12.2.1 Persons with Disabilities [24 CFR §8.24(a)]**

Persons with disabilities who are unable to participate in the annual reexamination process will be granted a reasonable accommodation that meets the need presented by the disability and removes the barriers associated with fulfilling HUD's and the LACDA's annual reexamination requirements.

### **12.2.2 Requirements to Attend an In-Person Interview**

If it is determined that a participant (family) will need to come to the LACDA's office then all adult household members 18 years and older will be required to attend the re-examination interview.

### **12.2.3 Failure to Respond**

If a family fails to complete or return the required re-examination documents within the specified timeframe, the LACDA will schedule the family for a mandatory appointment. The appointment letter will provide the date and time of the appointment and a list of items that family will need to bring.

If the family fails to attend the appointment or fails to bring all the required information, the LACDA may proceed to propose termination of the family's assistance.

If the family is able to provide documentation of an emergency situation that prevented them from completing the required re-examination documents or attending the mandatory appointment, the Unit Supervisor at his/her own discretion may, on a case-by-case basis reschedule the appointment. The LACDA may also grant an exception to this policy as a reasonable accommodation.

### **12.2.4 Documents Required from the Family**

The Rent Café portal re-examination will include instructions and appropriate forms that need to be submitted to complete the re-examination as follows:

1. Documentation of income for all family members;
2. Documentation of assets;
3. Documentation of medical or child care expenses;
4. Certified statement of family obligations;
5. Consent for Release of Information (signed by all household members over 18 years of age); and

Verification of these documents will be conducted in accordance with LACDA procedures and guidelines described in this plan.

### **12.2.5 Effective Dates**

If the tenant rent increases, a 30-day notice of increase in rent is sent to the family before the anniversary date.

If less than 30 calendar days are remaining before the anniversary date, the new tenant rent will be effective on the first of the month following the 30-day notice, but the reexamination will be effective no more than 12 months from the effective date of the last annual reexamination. If the LACDA was unable to process the re-examination on a timely basis due to the family's failure to provide re-examination documents, then the rent increase will be effective retroactive to the appropriate anniversary date.

If the family causes a delay in the re-examination processing, there will be a retroactive increase in rent to the anniversary date. In this particular case, the



owner will receive a retroactive HAP payment and every effort will be made to recover lost rent from the tenant.

### **12.3 INTERIM RE-EXAMINATION** **[24 CFR §982.516(c)]**

Interim Reexaminations can be scheduled when the LACDA has reason to believe that changes in income or expenses may have occurred, or when the family reports a change. When a family reports a change, the LACDA may take different actions depending on whether the family reported the change voluntarily, or because the family was required to do so.

#### **12.3.1 LACDA-Initiated Reexaminations**

LACDA-initiated interim reexaminations are those that are scheduled by the LACDA based on the following circumstances.

- If at the time of the Annual Reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the LACDA will schedule a reexamination on a quarterly basis until it is feasible to project income.
- If at any time, the family is legitimately determined to be a zero-income family, the LACDA will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income. The head-of household and each adult family member will be required to submit a completed Household Expense Report to document expenses for the prior 3-month period. The family may be required to undergo a credit report review and attend an in-person interview.
- If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the LACDA will conduct an interim reexamination.
- For Families receiving the Earned Income Disallowance (EID), the LACDA will conduct an interim reexamination at the start and conclusion of the second 12 month exclusion period (50 percent phase-in period).
- The LACDA may conduct an interim reexamination at any time to correct an error in a previous reexamination, or to investigate tenant fraud.

Families whose past employment has been sporadic, or that are on welfare, become employed then subsequently unemployed, or are self-employed, will not be scheduled for a LACDA-initiated reexamination. If such an income pattern has been established and is expected to continue, then a reasonable 12-month estimate of the income may be based on past income and present rate.

#### **12.3.1 12.3.2 Family-Initiated Interim Reexaminations**

[24 CFR 982.516(b)(2) and 24 CFR 982.516(c)]

HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination. In addition, the LACDA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses

➤ **Required Reporting**

[24 CFR 982.516(b)(2)]

Families are required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

Families will be required to pay back overpayments of rental assistance resulting from failure to report a change in income or family composition.

If a family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615].

**12.3.3 Processing the Family-Initiated Interim Reexamination**

➤ **Standard for Reporting**

The LACDA requires that families report interim changes by completing an Interim Reexamination Request form, or by accessing the online Yardi Rent Café Portal, within 10 days of when the change occurs. The family will be required to submit the Interim Reexamination Request form, or report the change online via the Rent Café Portal, and submit supporting documentation for the change.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the LACDA determines that an in-person interview is warranted, the family may be required to attend. Based on the type of change reported, the LACDA will determine the documentation the family will be required to submit. The family must submit any required information or documents within 15 calendar days of the request. This time frame may be extended for good cause with LACDA approval. The LACDA will accept required documentation by mail, fax, email, through the tenant portal, or in person.

When income is calculated using anticipated annual average income, the LACDA may determine that the interim change is not necessary. The family will be sent a notice acknowledging the interim request and will be informed that no change is necessary. A downward change will not be made if it is determined that the change is temporary (less than 30-consecutive days).

Any changes that are reported as part of or concurrent with the timing of an annual recertification process will be made effective with the annual reexamination.

➤ **Effective Dates**

If the family share of the rent is to *increase*:

The increase generally will be effective on the first of the month following 30-days' notice to the family, if the change was reported within the required time frames.

If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been provided on a timely basis. In this case, the LACDA will not provide 30-days' notice to the family. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with policies in Chapter 17 Owner and Family Debts to the LACDA.

If the family share of rent is to *decrease*:

The decrease will be effective on the first day of the month following the month the change was reported and all documents are received and verified.

If the family is responsible, in whole or in part, for any delay in obtaining documentation, the decrease will apply on the first of the month after all verification of income has been obtained.

Documents requested by the LACDA in support of a decrease must be submitted within 15 calendar days of the request. The LACDA may grant an extension for circumstances beyond the control of the family. However, if the family is not responsive to a request for documentation, the LACDA will consider the family nonresponsive if more than 15 calendar days have elapsed since the deadline for the information and the family has not had any communication with the LACDA. In such cases, the family will be advised that the LACDA is not processing the decrease and must start the process over again if they wish to receive the decrease.

## **12.4 CHANGES IN FAMILY COMPOSITION** **[24 CFR §982.516(d) and 24 CFR §982.551(h)(2)]**

The composition of the assisted family residing in the unit must be approved by the LACDA. An interim re-examination will be conducted for any changes in family composition.

The LACDA may verify changes in family composition as detailed in Section 7.11.5.

### **12.4.1 Allowable Family Additions** **[24 CFR §982.551(h)(2)]**

Allowable family additions are the following:

1. Addition due to birth, adoption or court awarded custody.
  - Must be reported to the LACDA, in writing, within 10 calendar days of the occurrence. Families should notify the owner and comply with any lease requirements to obtain owner approval.
2. Other allowable persons:
  - Addition of a foster child or foster adult that is in the legal guardianship or custody of the state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own home, under some kind of short-

term or long-term foster care arrangement with the custodial agency. The custodial agency, such as the Department of Children and Family Services (DCFS) or the Department of Public and Social Services (DPSS), must have previously approved the addition.

- Addition of marriage/or marital type relation (i.e., couples that certify that they intend to live in the same principal residence indefinitely and/ or register in California as domestic partners);
- Addition of a minor who is a child of the head of household, co-head, spouse or marital-type partner, who have been living elsewhere; and
- Addition of a LACDA-approved live-in aide;
- Addition of an adult child due to recent discharge from the military.
- Addition of a disabled adult who requires disability-related care.

The family must request approval from the owner and the LACDA before the person is added. Anyone who moves into the unit without written owner and LACDA approval is considered an unauthorized person.

As part of the approval process, the LACDA conducts a criminal background check, and may also conduct a credit review, on all new potential family members, 18 years of age and older. Criminal records will only be used to screen new household members. They will not be used for lease enforcement or eviction of residents already receiving tenant-based rental assistance.

If an approved change requires a larger size unit due to overcrowding, the change in voucher size will be made effective immediately (see Chapter 5). The LACDA will determine the assistance, based on funding availability.

#### **12.4.2 Decreases in Family Size**

When a family member leaves the household, the absence must be reported to the LACDA, in writing, within 10 calendar days of the occurrence, as detailed in Section 6.8.9 (Reporting Absences to the LACDA). The change in family composition may impact the voucher size, as explained in Chapter 5 (Subsidy Standards).

If a decrease in family size results in a decrease of the voucher size, the LACDA will downsize the family's voucher to the appropriate size at the family's next annual review following the reduction in household size.

The LACDA may make an exception as a reasonable accommodation for a person with a disability.

### **12.5 CONTINUATION OF ASSISTANCE FOR "MIXED" FAMILIES** **[24 CFR §5.504(b)]**

Families that include at least one citizen or eligible immigrant, and any number of ineligible members, are considered "mixed" families.

"Mixed" families that were participants on or before June 19, 1995, shall continue full assistance if they meet the following criteria:

1. The head of household, co-head, or spouse is a U.S. citizen or has eligible immigrant status, **and**
2. All members of the family other than head, co-head, spouse, parents of head, parents of co-head, parents of spouse, children of head, co-head, or spouse are citizens or eligible immigrants. The family may change the head of household designation to another adult member of the family to qualify under this provision.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance.



## **Chapter 13:**

### **ALLOWABLE MOVES/PORTABILITY**

#### **13.1 INTRODUCTION**

This chapter defines the procedures, restrictions and limitations for moving, for new applicants and current participants.

As stated in HUD regulations, eligible families participating in the Housing Choice Voucher Program have the right to receive tenant-based voucher assistance anywhere in the United States, in the jurisdiction of a public housing agency (PHA) administering a Housing Choice Voucher program. This program feature is called “portability.” This chapter includes the LACDA’s procedures for new applicants and current participants that “port out” of the LACDA’s jurisdiction.

Additionally, this chapter specifies the LACDA’s policies for receiving “incoming ports” from other public housing agencies.

The option of portability does not apply to families assisted under the Moderate Rehabilitation Program or the Continuum of Care (CoC) Program.

#### **13.2 ALLOWABLE MOVES AND RESTRICTIONS**

##### **13.2.1 Restrictions on Moves**

The LACDA may deny families permission to move if:

- There is insufficient funding for continued assistance;
- The family has violated a family obligation;
- The family is in the initial term of the lease (see 13.2.4 for exceptions);
- The family has already moved within the one-year period;
- The family owes money to this LACDA or another PHA. See Section 17.2 (Repayment Agreements for Families) for more information on allowable moves for families with repayment agreements; or
- There is insufficient funding to support a move with continued assistance.

In the event of insufficient funding, the LACDA may only deny a move to a higher cost area if the LACDA would not be unable to avoid termination of housing choice voucher assistance for current participants during the calendar year in order to remain within budgetary allocation (including any available HAP reserve). If the receiving PHA is willing to absorb the voucher, the LACDA may not deny the move to the higher cost area due to insufficient funding.

##### **13.2.2 Allowable Moves for New Applicants** **[24 CFR §982.353]**

A family who lives and/or works in the LACDA's jurisdiction at the time they are admitted to the Housing Choice Voucher Program may choose, as their initial housing:

- To remain in their current unit (this is referred to as leasing-in-place);
- A unit anywhere within this LACDA's jurisdiction; or
- A unit outside of this LACDA's jurisdiction. For more information, see the Outgoing Portability section of this chapter.

If neither the head of household or spouse already had a "domicile" (legal residence) in the LACDA's jurisdiction at the time when the family first submitted an application for participation in the program, the family does not have any right to portability until they have leased up with rental assistance and have resided within the jurisdiction for at least 12 months [24 CFR §982.353(c)].

- Mainstream voucher applicants are not subject to the requirement above and are permitted to lease a unit outside LACDA's jurisdiction.
- Under limited conditions, the LACDA may waive this requirement. Examples of situations that may warrant an exception to this rule include life-threatening situations or as a reasonable accommodation. However, in all cases both the LACDA and the receiving jurisdiction must agree to allow the move. If the receiving public housing agency does not agree, the LACDA will not approve a transfer [24 CFR §982.353(c)(3)].

### **13.2.3 Allowable Moves for Current Participants**

#### **[24 CFR §982.354]**

A family that initially receives assistance for a unit leased in LACDA's jurisdiction may request to move to another unit and receive continued assistance. Families in good standing may move with continued assistance if:

1. The assisted lease for the old unit has ended because the LACDA has terminated the HAP contract for owner breach [24 CFR §982.314(b)(1)(i)];
2. The lease was terminated by mutual agreement of the owner and the family [24 CFR §982.314(b)(1)(ii)]. The LACDA must receive a copy of this notice. The LACDA will not approve the mutual lease termination during the first year of the lease;
3. The owner has given the family a notice to vacate for reasons other than a lease violation [24 CFR §982.314(b)(2)]. The LACDA must receive a copy of this notice; or
4. The family has given proper written notice of lease termination after the initial lease term and in accordance with State law. This generally requires a 30-day notice. The LACDA must receive a copy of this notice.

A family is considered to be in good standing if they have not violated the terms of the lease, any program regulations and do not owe any money to this LACDA or another public housing agency.

Families that are eligible to move with continued assistance may choose to move to a unit that is:



- **Within the LACDA's jurisdiction.** This type of a move is called a “reserve vacate.” This means that the family is moving from a unit, which could result in a temporary vacancy in the program until another unit is secured; however, the slot remains reserved for the family until the time they lease another unit.
- **Outside LACDA's jurisdiction.** See the Outgoing Portability section of this chapter for more information.

#### **13.2.4 Restrictions on Moves During the Initial Lease** **[24 CFR §982.354(c) and §982.309(a)(1)]**

Generally, families will not be permitted to move during the initial lease, or more than once in any 12-month period.

The LACDA will consider exceptions to this policy for the following reasons:

1. To protect the health or safety of the family (HQS emergency items).
2. Statutory conditions under the Violence Against Women Reauthorization Act of 2013 (e.g., the family or an affiliated individual is or has been the victim of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health and safety of the family or affiliated individual. The LACDA may not terminate assistance if the family, with or without prior notification to the LACDA, already moved out of the unit in violation of the lease, if such move occurred to protect the health and safety of an affiliated individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit.); or
3. To address an emergency situation over which a family has no control (e.g., Natural Disaster or Unsafe Environment).

Verification must include a copy of the incident report from the local Fire Department, the Health Department, or other appropriate agency that the dwelling unit is now uninhabitable. It must also include the cause of the disaster if known.

In addition, the LACDA will allow exceptions to this policy for the reasonable accommodation request of a family member who is a person with disabilities. However, the owner of the property must agree to release the tenant from the lease.

### **13.3 PROCEDURES FOR MOVES FOR CURRENT PARTICIPANTS** **[24 CFR §982.354(d)]**

Eligible families who wish to move must send a written lease termination notice to the owner and copy to the LACDA no less than 30 calendar days before the vacate date. Once the LACDA has received a copy of the lease termination notice, the family will be scheduled for a briefing session where they will be issued the voucher

along with the briefing packet (see Section 8.4 for information that is provided at the briefing session).

Eligible families also have the option to request a voucher before issuing a lease termination to their owner and the LACDA. However, a Request for Tenancy Approval or a Request to Transfer (portability) will not be processed without the proper written lease termination notice.

If the family's reexamination is current (within 12 months) the LACDA will not conduct a reexamination before issuing the voucher unless there are reported changes to income or the family composition that would require an interim reexamination.

### **13.4 OUTGOING PORTABILITY PROCEDURES** **[24 CFR §982.355(b)(c)]**

Both new applicants and current participant families must first identify the new area where they will be moving. If there is more than one Public Housing Agency (PHA) serving that area, the LACDA will provide the family with the contact information for the PHAs that serve that area for the family to select the PHA. The family must inform the LACDA which PHA it has selected. In cases where the family prefers not to select a PHA, the LACDA will select the PHA on behalf of the family.

Once the LACDA has identified the receiving PHA, the LACDA will:

1. Contact the receiving PHA, prior to approving the family's request to port, to determine whether the voucher will be absorbed or billed by the receiving PHA [24 CFR §982.355(c)(3)];
2. Obtain in writing, via email or other confirmed delivery method, the receiving PHA's decision to absorb or bill the voucher.
  - If the receiving PHA decides absorb the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the LACDA.
  - If the receiving PHA decides to bill the voucher, the LACDA may deny the move if it will result in insufficient funding for continued assistance [24 CFR §982.354(e)(1)].
3. Determine the family's eligibility to move with continued assistance (port). Families found eligible to port must be issued a voucher (if not yet issued) and must be advised of how to contact and request assistance from the receiving PHA [24 CFR §982.355(c)(6)]; and
4. Provide the following documents and information to the receiving PHA [24 CFR §982.355(c)(7)]:
  - A copy of the family's voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
  - The most recent HUD 50058 form and verifications.
  - The Family Portability form (HUD-52665).

Portability Administrative Fee: If administrative fees are prorated, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill. The receiving PHA may bill for the lower of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's prorated ongoing administrative fee.

New applicant families will be subject to the income eligibility requirements of the jurisdiction in which they will be receiving assistance [24 CFR §982.353(c)(9)].

#### **13.4.1 Briefing for Families Wishing to Exercise Portability** **[24 CFR §982.301(b)(4)]**

Since families wishing to move to another jurisdiction must understand that the policies and procedures of the receiving PHA prevail, the LACDA will provide counseling for those families who express an interest in portability. This will include a discussion of how portability works, the advantages of areas that do not have a high concentration of low-income families, the difference in payment standards, subsidy standards, and income limits, if applicable. See Chapter 8, Section 8.4 for a detailed list of the information provided at the briefing session.

#### **13.4.2 Payment to the Receiving PHA** **[24 CFR §982.355(d) and §982.355(e)]**

If the receiving PHA chooses to administer and bill assistance on the LACDA's behalf, the LACDA will reimburse the receiving PHA for costs associated with administering the voucher, as specified in HUD regulations.

The receiving PHA must submit to the LACDA the initial billing no later than 60 days following the expiration date of the family voucher issued or within 10 days of an executed contract.

The LACDA will ensure that the receiving PHA receives all subsequent monthly payments no later than the fifth working day of each month.

### **13.5 INCOMING PORTABILITY PROCEDURES** **[24 CFR §982.355]**

Eligible participants in the Housing Choice Voucher Program in other public housing agencies may be assisted in the LACDA's jurisdiction.

For a family to port in to the LACDA's jurisdiction, the LACDA must receive a request to absorb or bill the voucher of the incoming portable family. The LACDA must provide the initial PHA, in writing, via email or other confirmed delivery method, a decision to absorb or bill the voucher. Rendered decisions to absorb a voucher cannot be reversed at a later date without consent of the initial PHA.

Once a decision has been rendered to the initial PHA, the LACDA must receive the following from the initial PHA:

- The Family Portability form (HUD-52665) with Part I completed.
- A copy of the family's most current voucher.
- The most recent HUD 50058 (Family Report) for the family, and all related verifications supporting the Family Report.

Should the family arrive with an expired voucher, the LACDA will contact the initial PHA to determine if it will extend the voucher. The initial PHA will decide to extend the term of the initial PHA voucher before the LACDA can proceed with the portability process.

**13.5.1 Policies on Absorption and Administration**  
**[24 CFR §982.355(d) and §982.355(e)]**

For incoming ports, the LACDA may, if funding permits, accept a family with a valid voucher from another jurisdiction and absorb the voucher. The LACDA may also exercise the option to administer the initial public housing agency's voucher and bill the initial PHA as authorized in the regulations.

Portability Administrative Fee: If administrative fees are prorated, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill. The receiving PHA may bill for the lower of 80 percent of the initial PHA's prorated ongoing administrative fee or 100 percent of the receiving PHA's prorated ongoing administrative fee.

If the LACDA chooses to administer:

- An initial billing will be submitted to the initial PHA within 10 days of an executed contract to ensure timely receipt of payment, but no later than 90 days following the expiration date of the family voucher issued by the initial PHA.
- The LACDA's policy on tolling in Section 8.7.2 of this Plan will apply [24 CFR §982.303].
- The LACDA will not extend the term of the voucher unless there is enough time to process the new contract and meet the billing deadline or unless the initial PHA extends the family's voucher. The LACDA will notify the initial PHA if such an extension is granted [24 CFR §982.355(c)(14)].

All subsequent monthly billing payments are to be received by the LACDA no later than the fifth working day of each month.

If the LACDA chooses to absorb, the LACDA may apply its policies on voucher tolling and extensions as stated in Sections 8.7.2 and 8.7.3 of this Plan.

**13.5.2 Income and Total Tenant Payment Review**  
**[24 CFR §982.355(c)]**

The LACDA will conduct an initial review of all incoming port families. The LACDA will:

- Conduct criminal background and registered sex offender registration checks of family members (see Section 13.5.3 below).
- Verify identifying documents, family income and composition.
- As necessary, the LACDA will change the bedroom size of a family's voucher to comply with the subsidy standards. If this occurs, the family will be notified in writing of the change.

- If family income documents are missing or there has been a change in the family's circumstances, the LACDA may re-determine the family's TTP.
- For incoming port families who have not yet leased a unit under the Housing Choice Voucher Program (initial applicants), the LACDA must verify that the family meets the HUD's income limits.

If a re-determination is necessary, the LACDA will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-determination reveals that the family is not eligible for assistance in the LACDA's jurisdiction. In such cases, the family will be referred to the initial PHA for further assistance [24 CFR §982.355(c)(11)].

All families porting into the LACDA's jurisdiction will be issued a voucher. The term of the voucher issued may not expire before 30 calendar days from the expiration date noted on the voucher issued by the initial public housing agency [24 CFR §982.355(c)(13)]. The LACDA will determine whether to extend the voucher term, if necessary, based on Section 13.5.1 of this Plan.

If a family that has ported into the LACDA's jurisdiction is unable to locate a unit within the allotted time authorized on the voucher, the LACDA will notify the issuing PHA that the voucher did not result in a HAP contract [24 CFR §982.355(c)(16)].

Approval of any unit is subject to rent reasonableness and a passed inspection [24 CFR §982.401(a)(3)].

### **13.5.3 Criminal Background Checks for Incoming Portability** **[24 CFR §982.355(c)(9) – (10)] and [PIH Notice 2004-12]**

The LACDA will conduct criminal background and sex offender registration checks for all incoming portability families. To establish eligibility under section 2.8.1 of this Plan, the LACDA will review criminal history within the established review period from the date a Request to Transfer is received from the originating PHA.

While criminal background and sex offender registration checks are conducted, the LACDA will not delay issuing the family a voucher but will take subsequent necessary action, including up to termination of a family's assistance (see Section 2.8 for details on screening).

The LACDA will take the following steps to minimize the number of terminations for families that are porting into its jurisdiction:

At voucher issuance,

- Families will receive a briefing that will contain information on the LACDA's portability process and general policies and procedures. See Chapter 8, Section 8.4 for a detailed list of information provided at the briefing session.
- Families will be informed of the LACDA's criminal background policies and that they will undergo a background check. The family will be offered an opportunity to return to their originating PHA.
- If it is determined before a contract is effective that a family member is unsuitable due to a criminal background check the family will be given the

options of returning to the originating PHA or excluding the culpable family member.

- If it is determined after a contract is effective that a family member is unsuitable and the LACDA is billing the originating PHA, the family will have the option of returning to the originating PHA or exclude the culpable household member.
- If it is determined after the contract is effective that a family member is unsuitable and the LACDA has absorbed the contract, the family will only have the option of excluding the culpable household member and will not be allowed to return to the originating PHA.

The contract will be terminated if it has been absorbed and if the family chooses not to exclude the culpable household member or there are no other adult eligible household members.

#### **13.5.4 Terminations**

In cases where the LACDA is administering a contract on behalf of another PHA, the LACDA will notify the initial PHA in writing of any termination of assistance within 30 calendar days of the termination.

#### **13.5.5 Informal Hearings/Reviews** **[24 CFR §982.555]**

If an informal hearing is required and requested by the family, the LACDA will conduct the hearing only if the participant has been assisted within the LACDA's jurisdiction. Such hearings will be conducted using the regular hearing procedures included in this plan. Families who have not yet received assistance in the LACDA's jurisdiction are eligible for informal reviews, as detailed elsewhere in this administrative plan.

The initial PHA will be responsible for collecting amounts owed to that public housing agency by the family for claims paid and for monitoring repayment. If the initial PHA notifies the LACDA that the family is in arrears or the family has refused to sign a Repayment Agreement, the LACDA will terminate assistance to the family.

## **Chapter 14:**

### **CONTRACT TERMINATIONS**

#### **14.1 INTRODUCTION**

The chapter identifies the key documents/contracts that set forth the responsibilities of each party involved in the rental assistance relationship and outlines the policies and procedures under which these contracts can be terminated.

#### **14.2 DESCRIPTION OF DOCUMENTS**

There are three parties involved in the rental relationship: the assisted family, the owner and the LACDA.

The rights and responsibilities of the assisted family are defined in the voucher or certificate and the Certified Statement of Family Obligations. A copy of the voucher or certificate is provided to the family at admission and each time a new voucher is issued. The family signs the Certified Statement of Family Obligations annually.

The relationship between the family and the owner is outlined in the lease agreement. Generally, the term of the lease is for one year. Although the LACDA is not a part of the lease, HUD regulations allow public housing agencies to act against the family for serious or repeated violations of the lease.

The terms of the relationship between the owner and the LACDA are outlined in the Housing Assistance Payments (HAP) contract. The term of the HAP contract is the same as the term of the lease.

#### **14.3 TERMINATION OF THE LEASE BY THE FAMILY: MOVES** **[24 CFR §982.309(c)]**

For continued tenant assistance, the family cannot terminate the lease until after a one-year period or the initial term of the lease, except for material breach of the lease by the owner, cases of foreclosure, or life threatening situations (as defined in Chapter 13). The lease determines the notice period for termination to the owner. Most leases require, at minimum, a 30-day notification. However, the LACDA recommends that families provide a minimum of a 60-day notice in order to allow enough time for a smooth transition of assistance from the old unit to the new unit. To initiate the lease termination, the family must send a written notice to the owner and the LACDA no less than 30 calendar days before the vacate date.

#### **14.4 TERMINATION OF THE LEASE BY THE OWNER: DOMESTIC ABUSE**

An owner or manager may bifurcate (separate) a lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, or terminating assistance, or otherwise penalizing the victim of such violence which is also a tenant or lawful occupant. Criminal acts are defined as “criminal activity directly related to domestic violence,

dating violence, sexual assault, or stalking against an affiliated individual or other individual”.

**14.4.1 Terminating the Lease During the Initial Term of the Lease**  
**[24 CFR §982.310(a)]**

During the term of the lease, the owner may not terminate the tenancy except for good cause, which includes serious or repeated violations of the lease and/or violations of federal, state or local law that imposes obligations on the family in connection with the use of the unit.

Under such conditions, the owner must provide both the family and the LACDA with a copy of any notice to move or eviction action. An eviction action is defined as a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action. Any eviction notice served to a family must specify the grounds for the termination of the tenancy.

An owner may commence termination of a tenancy for good cause by serving a legal notice of termination on the family for the following reasons:

1. Serious or repeated violation of the terms and conditions of the lease [24 CFR §982.310(a)(1)];
2. Violation of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises [24 CFR §982.310(a)(2)]; and
3. Other good cause, [24 CFR §982.310(a)(3)] including:
  - Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises [24 CFR §982.310(d)];
  - Any drug-related criminal activity on or near the premises; or
  - Tenant disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.

**14.4.2 Terminating the Lease After the Initial Term of the Lease**

After the initial term of the lease, the owner may terminate the lease for other good cause. Examples of other good cause include:

- Business or economic reason for regaining possession of the unit;
- Owner's desire to repossess the unit for personal or family use or for a purpose other than residential property;

When terminating the lease for business or economic reasons, the owner is required to provide a 90-day notice to both the family and the LACDA.

**14.4.3 Requests for Criminal Records by Project-Based Section 8 Owners**  
**[24 CFR §5.903(d)(3)]**



Project-based Section 8 owners (excludes housing choice voucher owners), that have contracts with the LACDA, may request that the LACDA obtain criminal records, on their behalf, for the purpose of eviction or lease enforcement. The LACDA will, however, charge a fee in order to cover costs associated with the review of criminal records.

Project-based owners must submit the following items in order for the LACDA to process criminal records. Owner requests must include:

1. A copy of a signed consent form from each adult household members, age 18 years and older. Included in the consent form must be a legible name, the date of birth, a California Identification Number, and a Social Security number. This information will be used for the sole purpose of distinguishing persons with similar names or birth dates.
2. An owner's criteria or standards for evicting drug criminals in accordance with HUD regulations (§ 5.857 of 24 CFR Parts 5 et al.); or criteria for evicting other criminals (§ 5.858 of 24 CFR Parts 5 et al.); or criteria for lease enforcement.

Once the LACDA obtains the criminal records, a determination will be made as to whether a criminal act, as shown by a criminal record, can be used as a basis for eviction or lease enforcement. The LACDA will base its determination in accordance with HUD regulations and the owner criteria.

It is important to note that the LACDA will not disclose the participant's criminal conviction record, nor the content of that record to the owner unless the owner is proceeding with a judicial eviction process. In the case of a judicial eviction, the owner must provide the LACDA with a certification that the criminal records are necessary to proceed with the eviction.

#### **14.5 MUTUAL TERMINATION OF THE LEASE**

In cases where the owner and the family agree to terminate the lease, both parties have an obligation to notify the LACDA in writing at least 30 calendar days in advance of the vacate date in order that LACDA may avoid overpayment to the owner. A mutual termination of the lease will not be accepted if it is within a one-year period of the participant's last move or within the initial term of the lease.

#### **14.6 TERMINATION OF THE HAP CONTRACT BY THE LACDA** **[24 CFR §982.453 – §982.454]**

The LACDA will terminate the HAP contract as follows:

1. When the LACDA terminates program assistance for the family.
2. When the owner has breached the HAP contract.

Any of the following actions will be considered a breach of the HAP contract by the owner:

- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit according to housing quality standards, including any standards the LACDA has adopted in this policy [24 CFR §982.453(a)(1)].

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- The owner has violated any obligation under any other HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f) [24 CFR §982.453(a)(2)].
  - The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program [24 CFR §982.453(a)(3)].
  - The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD [24 CFR §982.453(a)(4)].
  - The owner has engaged in drug-related criminal activity [24 CFR §982.453(a)(5)].
  - The owner has committed any violent criminal activity [24 CFR §982.453(a)(6)].
3. If the family is required to move from a unit which is overcrowded based on the LACDA's current subsidy standards [24 CFR §982.403(a)].
4. If funding is no longer available under the ACC [24 CFR §982.454].
- Before terminating HAP contracts on the basis of insufficient funding, the LACDA is required to ensure that the determination of insufficient funding is documented. The LACDA will consider funding insufficient if it is determined that the projected year-end subsidy falls short of the authorized budget amount.
  - The LACDA will determine the number of families that must be terminated, and will present the Board of Commissioners with a recommended method for terminating HAP contracts. Following Board of Commissioner and HUD notification, the LACDA will terminate HAP contracts.
  - Contracts of elderly and disabled families will not be subject to termination.
  - Terminated families will be placed on the waiting list and will receive a preference for assistance from the waiting list.

The LACDA may terminate the HAP contract if the owner has violated any obligation under any other HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f) [24 CFR §982.453(a)(2)]. The LACDA will consider the following list of factors in determining whether to terminate the HAP contract for a violation of another HAP contract:

- The nature of the breach
- The location of the other units under contract compared to the subject unit
- The impacts on participants in other the units

Additionally, an owner who breaches a HAP contract may be disapproved to participate in LACDA programs, as detailed in Section 9.11 (Owner Disapproval). The LACDA's rights and remedies against the owner under the HAP contract include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contracts.

Request for reasonable accommodations relating to termination of HAP contracts will be reviewed on a case-by-case basis.

**14.7 HAP PAYMENTS AND CONTRACT TERMINATIONS**  
**[24 CFR §982.311]**

When a HAP contract terminates, the LACDA will make payments in accordance with the HAP contract and depending on the reason for the contract termination.

In cases involving a tenant notice to move or a mutual termination, not involving an eviction action, the LACDA will pay the owner for the entire last month that the family was in the unit regardless of the actual day of the month that the family moved out. The LACDA may also pay HAP on behalf of the family for the new unit in the same month.

In cases involving evictions, the LACDA will continue to pay the HAP until the day the family moves out or is evicted [24 CFR §982.311(b)].

In cases involving termination of assistance due to insufficient funding, families will receive a minimum of 30 days notice of termination of assistance.

In cases involving termination of assistance for reasons other than insufficient funding, the LACDA will notify the owner and the family of the proposed termination date. If the family does not request a hearing or the hearing is decided in the LACDA's favor, the HAP payments will terminate in accordance with the notification. If a family continues to occupy the unit after assistance is terminated, the family is responsible for the total amount of rent due to the owner.

If HAP payments are released to the owner for periods of time beyond the dates set forth above, the owner will be required to return all monies to the LACDA within 30 calendar days or within the time specified in any approved repayment agreement. The LACDA also reserves the right to deduct any monies from other HAP payments being made to the owner by the LACDA. If the owner fails to repay the HAP, the account will be forwarded for further action.



## **Chapter 15:**

### **TERMINATION OF ASSISTANCE**

#### **15.1 INTRODUCTION** **[24 CFR §982.552(a)]**

HUD requires the LACDA to terminate assistance for certain offenses. HUD permits the LACDA to terminate assistance for a family because of the family's action or failure to act. The LACDA will provide families with a written description of the family obligations under the program, the grounds under which the LACDA can terminate assistance, and the LACDA's informal hearing procedures. This chapter describes when the LACDA is required to terminate assistance, and the LACDA's policies for the termination of assistance.

#### **15.2 FORMS OF TERMINATION** **[24 CFR §982.552(a)(3)]**

Termination of assistance for a participant may include any or all of the following:

1. Refusal to enter into a HAP contract or approve a lease
2. Termination of HAP under an outstanding HAP contract
3. Refusal to process or provide assistance under portability procedures

The LACDA will not terminate assistance of a participant based solely upon incidences of domestic violence, dating violence, sexual assault, or stalking. If termination is based upon behavior resulting from disability, the LACDA will delay the termination in order to determine if there is a reasonable accommodation, pursuant to law, that would cure the grounds for the termination.

#### **15.3 FAMILY NO LONGER REQUIRES ASSISTANCE (ZERO ASSISTANCE)** **[24 CFR §982.455]**

The LACDA is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner. A family receiving no assistance may remain in the unit for up to 180 calendar days after the last HAP payment. If the family is still in the unit after 180 calendar days, assistance is terminated. If within the 180-day period, an owner rent increase or a decrease in the TTP causes the family to be eligible for a housing assistance payment, the LACDA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 calendar days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

#### **15.4 MANDATORY TERMINATION OF ASSISTANCE**

HUD requires the LACDA to terminate assistance under the following circumstances:

1. Failure to Provide Consent [24 CFR §982.552(b)(3)].

If any member of the family fails to sign and submit to HUD or LACDA required consent forms for obtaining information

2. Failure to Document Citizenship [24 CFR §982.552(b)(4) and 24 CFR §5.514(c)]

The LACDA must terminate assistance if

- A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
- A family submits evidence of citizenship and eligible immigration status in a timely manner, but the United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family;
- No member of the family is an U.S. citizen or eligible immigrant.

3. Failure to Disclose and Document Social Security Numbers [24 CFR §5.218(c)].

The LACDA is required to terminate assistance for participant families in which no members are U.S. citizens or eligible immigrants. If a family member does not establish citizenship or eligible immigration status as required, the LACDA will prorate the assistance, or if there are no eligible family members remaining, the LACDA will propose program termination and provide the opportunity for an informal hearing, as explained in Chapter 16.

Families are required to submit evidence and sign declarations of their citizenship or eligible immigration status. If the LACDA obtains substantive documentation (such as a permanent resident card or information from another agency) that contradicts a family member's declaration of citizenship, an investigation will be conducted and the individual given an opportunity to present relevant information.

- If the family (or any member) claimed eligible immigrant status and the USCIS primary and secondary verifications failed to document the status, the family may make an appeal to the USCIS and request a hearing with the LACDA either after the USCIS appeal or in lieu of the USCIS appeal.
- If the family member is unable to verify their citizenship, the LACDA may give the individual an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The LACDA will then verify eligible status, and terminate, or prorate as applicable.
- Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

After the LACDA has made a determination of ineligibility, the family will be notified of the determination and the reasons, and informed of the option for prorated assistance (if applicable) or the proposed termination.

The LACDA will terminate assistance for misrepresentations or submission of false information.

4. Methamphetamine Manufacture or Production [24 CFR §982.553(b)(1)(ii)]

The LACDA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

5. Death of the Sole Family Member [24 CFR §982.311(d) and Notice PIH 2010-9]

The LACDA must immediately terminate program assistance for deceased single member households.

6. Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR §982.552(b)(5) and FR 4/10/2006].

If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in Section 2.5

## **15.5 MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS**

### **[24 CFR §982.553(b) and §982.551(I)]**

HUD requires the LACDA to establish policies that permit the LACDA to terminate assistance if the LACDA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Any 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.
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity.
- Any household member has violated the family's obligation not to engage in violent criminal activity.

#### **15.5.1 Use of Illegal Drugs and Alcohol Abuse**

In accordance with HUD requirements, the LACDA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The LACDA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

### **15.5.2 Drug-Related Criminal Activity**

Drug-related criminal activity includes the manufacture, dispensation, distribution, sale, use or possession of illegal drugs. An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, medical marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered, or is recovering from the addiction and does not currently use or possess the substance and has demonstrated successful completion of a rehabilitation program [24 CFR §982.553(b)].

In accordance with HUD requirements, the LACDA’s policy regarding drug-related criminal activity is as follows:

- The LACDA may propose termination against the family for drug-related criminal activity that occurs on or off the premises of the assisted unit, or drug-related criminal activity committed by a guest or invitee of any family member on the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.
- The LACDA may terminate a participant’s assistance if they have been arrested, convicted or whose tenancy is being terminated due to drug-related criminal activity or whose activities, including the activities of their guests or invitees, have created a disturbance in the building or neighborhood.
- Will terminate assistance if the family violates the lease for drug-related criminal activity.

In appropriate cases, the LACDA may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside and/or visit in the unit.

### **15.5.3 Violent Criminal Activity**

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member, their guests or invitees. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes.

In accordance with HUD requirements, the LACDA’s policy regarding violent criminal activity is as follows:

- The LACDA may propose termination against the family for violent criminal activity that occurs on or off the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.



- The LACDA may terminate a participant's assistance if they have been arrested, convicted or whose tenancy is being terminated due to violent criminal activity or whose activities, including those of their guests and invitees, have created a disturbance in the building or neighborhood.
- The LACDA will terminate assistance if the family violates the lease for violent criminal activity.

Incidents or threats of abuse, or criminal activity related to abuse engaged in by a member or guest of the participant's household, will not be grounds for termination of the victim or threatened victim of the abuse.

In appropriate cases, the LACDA may permit the family to continue receiving assistance provided that family members determined to have engaged in the prescribed activities will not reside in the unit.

#### **15.5.4 Other Criminal Activity** **[24CFR§982.553(a)(ii)(A)(3)]**

Other criminal activity includes any 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 of the premises.

### **15.6 OTHER AUTHORIZED REASONS FOR TERMINATION OF ASSISTANCE** **[24 CFR §982.552(c), Pub.L. 109-162]**

HUD permits the LACDA to terminate assistance under other circumstances. The LACDA may at any time terminate program assistance to a participant, for any of the following reasons:

1. The family fails to comply with any family obligation under the program as listed in Section 15.7 of this plan [24 CFR §982.551].
2. Any member of the family has been evicted from federally-assisted housing in the last five years and the family failed to disclose the information at admission to the program [24 CFR §982.552(c)(1)(ii)].
3. The family fails to provide critical eligibility information that may have deemed the family ineligible for assistance during the admissions process.
4. Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR §982.552(c)(1)(iv)].
5. The family currently owes rent or other amounts to the LACDA or to another housing agency in connection with Section 8 or public housing assistance under the 1937 Act [24 CFR §982.552(c)(1)(v)].
6. The family has not reimbursed the LACDA or any housing agency for amounts paid under a HAP contract to an owner for rent, damages to the unit, or other amounts owed by the family under the lease [24 CFR §982.552(c)(1)(vi)].
7. The family has breached the terms of a repayment agreement entered into with the LACDA. [24 CFR §982.552(c)(1)(vii)].

8. The family has engaged in or threatened abusive or violent behavior toward LACDA personnel [24 CFR §982.552(c)(1)(ix)].
  - "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination.
  - "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
  - Actual physical abuse or violence will always be cause for termination.

The LACDA will not terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program [24 CFR §982.552(c)(1)(viii)].

#### **15.6.1 Registered Sex Offenders**

If it is brought to the attention of the LACDA that a current program participant is subject to a lifetime sex offender registration requirement in any state, the LACDA will review the matter on a case-by-case basis. If the participant was erroneously admitted (the household member was subject to a lifetime registration requirement at admission and was admitted after June 25, 2001), the LACDA must immediately pursue termination of assistance for the household member.

If the LACDA erroneously admitted a lifetime sex offender, it must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the LACDA **must** terminate assistance for the household.

### **15.7 TERMINATING THE ASSISTANCE OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING VICTIMS AND PERPETRATORS**

#### **[24 CFR §5.2005(d)(2)]**

VAWA gives the LACDA the right to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant."

VAWA does not limit the LACDA's right to terminate the assistance of any participant if the LACDA "can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance."

In determining whether a participant who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, the PHA will consider the following, and any other relevant, factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat

- Whether the threat is likely to happen within a short period of time
- Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location

If the tenant wishes to contest the LACDA's determination that he or she is an actual and imminent threat to other tenants or employees, the tenant may do so as part of the informal hearing process.

### **15.7.1 Documentation of Abuse**

#### **[24 CFR § 5.2007]**

When a participating family is facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking, claims protections under VAWA, the LACDA will request in writing that the individual submit documentation affirming that claim.

The LACDA will accept either of the following forms of documentation:

- A completed and signed HUD-approved certification form (Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim.
- A record of a Federal, State, tribal, territorial or local law enforcement agency (such as a police report), court, or administrative agency documenting the domestic violence, dating violence, sexual assault or stalking.
- Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

The request for documentation of domestic violence, dating violence, sexual assault, or stalking will be in writing and will specify a deadline of 14 business days following receipt of the request. It will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The LACDA reserves the right to waive the documentation requirement if it determines that a statement of other corroborating evidence from the individual will suffice.

The LACDA may, at its discretion, extend the deadline. Any extension granted will be in writing.

### **15.7.2 Conflicting Documentation**

#### **[24 CFR §5.2007(b)(2)]**

In the case where the LACDA receives conflicting certification documents from two or more members of the household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the LACDA will determine which is the true victim by requiring third-party documentation within 30 calendar days in order to resolve the conflict.

If the participants fail or refuse to provide third-party documentation where there is conflicting evidence, the HA does not have to provide the tenant(s) with the protections contained in HUD form-5380, Notice of Occupancy Rights under the Violence Against Women Act.

### **15.7.3 Terminating the Assistance of a Domestic Violence Perpetrator**

#### **[24 CFR § 5.2005(b)(2)]**

VAWA gives the LACDA explicit authority to terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.

The LACDA will terminate assistance to a family member if the LACDA determines that the family member has committed criminal acts of physical violence against other family members or others. This action may not affect the assistance of the remaining, nonculpable family members.

In making the decision to terminate assistance, the LACDA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to the LACDA by the victim in accordance with this section. The LACDA will also consider the factors in Section 15.8 Consideration of Circumstances. Upon such consideration, the LACDA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If the LACDA moves forward with terminating the assistance of the culpable family member, the LACDA will do so in accordance with applicable law, HUD regulations, and policies established in Chapter 16. Informal Reviews/Hearings.

### **15.7.4 Notification Requirement**

#### **[24 CFR §5.2005(a)(1)(i)(ii) and §5.2005(a)(2)(iii)]**

When moving forward with terminating assistance, the LACDA will include information about VAWA in notices of termination of assistance. The VAWA information provided will consist of the following documents:

- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.
- Form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act

### **15.7.5 VAWA Confidentiality**

#### **[24 CFR §5.2007(a)(1)(v)]**

All VAWA information provided to the LACDA, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault or stalking, shall be retained in confidence, and will not be entered into any shared database or provided to any related entity, except to the extent that disclosure is:

- Requested or consented to by the individual in writing to release the information on a time limited basis;
- Required for use in an eviction proceeding or hearing regarding termination of assistance from a covered program; or
- Otherwise required by applicable law.

## **15.8 FAMILY OBLIGATIONS** **[24 CFR §982.551]**

Failure to abide by any of the family obligations is grounds for termination.

1. The family must supply any information that the LACDA or HUD determines is necessary in the administration of the program [24 CFR §982.551(b)]. Information includes any requested certification, release or other documentation. Requirements include:
  - Submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5);
  - Disclosure and verification of social security numbers (as provided by 24 CFR part 5);
  - Providing any information requested by the LACDA or HUD for use in a regularly scheduled or interim determination of family income and composition, including income, assets, and accurate family composition.
2. The family must report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect. The owner of the unit and the LACDA must approve changes in composition of the assisted family [24 CFR §982.551(b) and §982.551(h)(2)]. The family must:
  - Report the birth, adoption or court-awarded custody of a child;
  - Request LACDA approval to add any other family member;
  - Notify the LACDA when a family member no longer lives in the unit.

If the LACDA gives approval, a live-in aide, foster child, or foster adult may live in the unit. Failure to report changes, making false reports and/or allowing unauthorized people in the unit is cause for termination from the program.
3. All information supplied by the family must be true and complete [24 CFR §982.551(b)].
4. Maintain the rental unit [24 CFR §982.551(c)]. The family is responsible for any violation of Housing Quality Standards resulting from:
  - Failure to pay for tenant-paid utilities;

- Failure to furnish required stove and or refrigerator if to be provided by family; or
  - Damage to the unit or grounds by the family or its guests beyond normal wear and tear.
5. The family must allow the LACDA to inspect the unit at reasonable times and after reasonable notice [24 CFR §982.551(d)].
  6. The family may not commit any serious or repeated violation of the lease [24 CFR §982.551(e)].
  7. The family must notify the owner and, at the same time, notify the LACDA before the family moves out of the unit or terminates the lease on notice to the owner. The family must promptly give the LACDA a copy of any owner eviction notice [24 CFR §982.551(f) – (g)].
  8. The family must use the assisted unit for residence by the family. The unit must be the family's only residence. The family must not sublease or let the unit [24 CFR §982.551(h)(1), (6)].
  9. The family must not assign the lease or transfer the unit. In cases where there is a change in the head of household, the lease may be transferred to the new Head but only with the consent of the owner of the property and the LACDA [24 CFR §982.551(h)(7)].
  10. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family [24 CFR §982.551(h)(5)].
  11. The family must supply any information or certification requested by the LACDA to verify that the family is living in the unit, or relating to family absence from the unit, including any LACDA-requested information or certification on the purposes of family absences. The family must cooperate with the LACDA for this purpose. The family must promptly notify the LACDA of absence from the unit [24 CFR §982.551(i)].
  12. The family must not own or have any interest in the unit [24 CFR §982.551(j)].
  13. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs [24 CFR §982.551(k)].
  14. The members of the family, their guests or invitees, may not engage in drug-related criminal activity or violent criminal activity, or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
  15. The members of the family, their guests or invitees, must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
  16. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the

same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program [24 CFR §982.551(n)].

17. The family must pay only the amount authorized by the LACDA on the approved lease. Any amount paid by the family other than the authorized amount is considered an illegal side payment and is cause for termination of the housing assistance subsidy. The LACDA may authorize additional payments for other amenities [24 CFR §982.451(b)(4)(ii)].
18. The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a spouse, parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the LACDA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities (See Section 9.4 for more information).
19. The family must not have a member that has committed a crime that subjects them to a lifetime sex offender registration requirement imposed by any State sex offender registration program reside in the unit. This is to ensure that no household member or guest is creating or maintaining a threat to the health and safety of other residents or the public.

#### **15.8.1 Missed Appointments and Deadlines**

##### **[24 CFR §982.551]**

It is a family obligation to supply information, documentation, and certifications as needed for the LACDA to complete required processes. The LACDA schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information can result in termination of assistance. Examples of failing to supply requested information can include: failing to sign necessary documents, failing to return documents or returning incomplete or altered documents, failing to complete all information requested on documents, etc.

The obligations also require that the family keep all appointments and allow the LACDA to inspect the assisted unit. All scheduled inspections are considered “appointments.”

The family will receive information about the requirement to keep appointments, and the number of times that appointments are rescheduled as specified below. Appointments are scheduled and time requirements imposed for the following events and circumstances:

1. Eligibility for Admissions;
2. Verification Procedures;
3. Voucher Issuance and Briefings;
4. HQS Inspections;
5. Re-examinations; and

#### 6. Appeals (Informal Hearing/Reviews).

Examples of good cause for missing appointments or failing to provide information by deadlines are medical and/or family emergencies. In such cases, the family may be requested to provide verification of such circumstances.

An applicant or participant who fails to keep appointments, or to supply information required by a deadline without notifying the LACDA may be sent a notice of termination of assistance for failure to comply with program regulations.

The family may be granted up to two opportunities before they receive a notice of denial or termination for breach of a family obligation. After issuance of the denial or termination notice, if the family offers to correct the breach within the time allowed to request a review or hearing, the notice may be rescinded after the family corrects the breach, if the family does not have a history of non-compliance. For families with a history of non-compliance, the LACDA may elect to hold the review or hearing.

The LACDA may grant exceptions to this policy as a reasonable accommodation, in accordance with section 1.9.2 and 7.11.10.

### **15.8.2 Enforcing Family Obligations**

#### **Explanations and Terms**

- **HQS Breach**: The inspector will determine if an HQS breach as identified in 24 CFR §982.404(b) is the responsibility of the family. Families may be given extensions to correct HQS breaches as explained in Chapter 10.
- **Lease Violations**: The following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance [24 CFR §982.310]:
  - If the owner terminates tenancy through court action for serious or repeated violation of the lease.
  - If the owner notifies the family of intention to terminate tenancy for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the LACDA determines that the cause is a serious or repeated violation of the lease based on available evidence.
  - If there are police reports, neighborhood complaints or other third-party information, and the LACDA has verified the information. Lack of receipts or other proof of rent payments by the family may also be considered verification of lease violations.
- **Family Member Moves Out**: Families are required to notify the LACDA within 10 calendar days if any family member leaves the assisted household [24 CFR §982.551(h)(3)]. When the family notifies the LACDA, they must furnish the following information:
  - The date the family member moved out.
  - The new address, if known, of the family member.



- A statement as to whether the family member is temporarily or permanently absent.
- Related income, asset or deduction changes resulting from the member moving.
- **Limitation on Profit-making Activity in Unit [24 CFR §982.551(h)(5)]**: If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.  
  
If the LACDA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a violation of family obligations.
- **Interest in Unit [24 CFR §982.551(j)]**: The owner may not reside in the assisted unit, under any circumstances, including as a live-in aide, regardless of whether the owner is a member of the assisted family, unless assistance is being provided for a mobile home and the family owns the mobile home and rents the pad under the Certificate or Housing Choice Voucher Program.
- **Fraud [24 CFR §982.551(k)]**: In each case, the LACDA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

## **15.9 CONSIDERATION OF CIRCUMSTANCES**

### **[24 CFR §982.552(c)(2)]**

HUD authorizes the LACDA to consider all relevant circumstances when deciding whether to terminate assistance based on a family's past history except in the situations for which termination of assistance is mandatory. In accordance with PIH Notice 2015-19, the LACDA will not use an arrest record or police report as the sole basis for a decision.

When considering the circumstances of the case, the LACDA will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect the other residents.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault or stalking.
- The length of time since the violation occurred and more recent record of compliance, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure to act, and
- Requests for reasonable accommodation

On a case by case basis the LACDA may counsel the family in lieu of termination.

The LACDA may impose, as a condition of continued assistance for other family members, a requirement that family members that participated in or were culpable

for the action or failure will not reside in the unit. The LACDA may permit the other members of a family to continue in the program.

**15.10 REQUIRED EVIDENCE**  
**[24 CFR §982.553(c)]**

The LACDA gathers publicly available arrest data related to its participants, and will take appropriate action related to program violations.

In determining whether to terminate assistance based on criminal activity, the LACDA may terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

The LACDA may consider arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence in determining if a violation has occurred.

The LACDA does not use records for juvenile offenses to terminate assistance to the family, except as may be authorized by State or federal law. The LACDA may consider as evidence criminal records of a minor tried and convicted as an adult in criminal court for such offenses as murder, sex offenses, robbery and arson.

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

**15.11 CONFIDENTIALITY OF CRIMINAL RECORDS**  
**[24 CFR §5.903(g)]**

Criminal records received by the LACDA shall be maintained confidential, not misused, nor improperly disseminated and kept locked during non-business hours. Also, all criminal records will be destroyed no later than 30 calendar days after a final determination is made.

**15.12 DISCLOSURE OF CRIMINAL RECORDS TO FAMILY**  
**[24 CFR §5.903(f) and §982.553(d)]**

The applicant or household member requesting to be added to the lease will be provided with a copy of the criminal record upon request and an opportunity to dispute the record. Applicants will be provided with the opportunity to dispute the record at an informal review. Participants may contest such records at an informal hearing.

**15.13 NOTICE OF TERMINATION OF ASSISTANCE**

In any instance where the LACDA decides to terminate assistance to the family, the LACDA must give the family a written notice that includes:

1. The reason(s) for the proposed termination;
2. The effective date of the proposed termination;
3. A copy of the most recent voucher or certificate issued to the HOH;
4. A copy of the most recent Certified Statement of Family Obligations signed by the HOH;
5. Information regarding the family's right to request an Informal Hearing to be held before termination of assistance;
6. The date by which a request for an informal hearing must be received by the LACDA; and
7. If applicable, notice of any criminal records, including arrests and convictions, being used as part of the decision to terminate assistance.

A Notice of Confirmation, which is a final notice of determination and date of termination, will then be sent to the participant if no hearing is requested within the allowable time or if the Informal Hearing confirms the termination.

The LACDA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the termination of assistance. The notice to the owner will not include any details regarding the reason for termination of assistance.

#### **15.14 OPTION NOT TO TERMINATE FOR MISREPRESENTATION OF INCOME**

If the family has misrepresented any facts that caused the LACDA to overpay assistance, the LACDA may choose not to terminate and may offer to continue assistance provided that the family agrees to pay the LACDA the amount owed and either pays the LACDA in full or executes a Repayment Agreement and makes payments in accordance with the agreement.

#### **15.15 MISREPRESENTATION IN COLLUSION WITH OWNER**

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the LACDA will deny or terminate assistance.

#### **15.16 REPORTING TERMINATED FAMILIES TO ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM**

If a family is terminated due to an adverse action or leaves the program owing money to the LACDA, the family will be reported to EIV. Additionally, if any debt is owed, the amount of the debt will be recorded in EIV.



## **Chapter 16:**

### **INFORMAL REVIEWS/HEARINGS**

#### **16.1 INTRODUCTION**

This chapter covers the LACDA's policy and procedures for informal reviews and informal hearings. This chapter defines the LACDA's responsibilities to applicants and participants.

#### **16.2 REASONABLE ACCOMMODATION**

All requests for accommodation will be verified with a reliable, knowledgeable professional so that the LACDA can properly accommodate the need presented by the disability.

Requests for accommodation from persons with disabilities will be granted upon verification that they are reasonable, and they meet the need presented by the disability.

Reasonable accommodation will be made for persons with disabilities that require an advocate or accessible offices. A designee will be allowed to provide information as needed, but only with the permission of the person with the disability.

#### **16.3 INFORMAL REVIEW PROCEDURES FOR APPLICANTS** **[24 CFR §982.554(a)]**

Under certain circumstances, the LACDA offers informal reviews for applicants. Applicants are defined as families who are on the Section 8 waiting list and are awaiting the issuance of a voucher or families who have been issued a voucher but have not yet been assisted under a Housing Assistance Payment (HAP) Contract.

When the LACDA denies assistance to an applicant, the family is notified in writing. The notice contains:

- The reason(s) for the decision;
- The procedure for requesting an informal review if the applicant does not agree with the decision; and
- The time limit for requesting a review.

The LACDA must provide applicants with the opportunity for an Informal Review of Decisions denying issuance of a voucher or participation in the program.

Applicants who are denied assistance based on ineligible immigration status are entitled to an informal hearing (rather than an informal review).

##### **16.3.1 When an Informal Review is Not Required** **[24 CFR §982.554(c)]**

Informal reviews are not required for established policies, procedures, and LACDA determinations such as:

1. Discretionary administrative determinations by the LACDA;
2. General policy issues or class grievances;
3. A determination of the family unit size under the LACDA subsidy standards;
4. Refusal to extend or suspend a certificate or voucher;
5. Disapproval of lease;
6. Determination that the unit is not in compliance with HQS; or
7. Determination that the unit is not in accordance with HQS due to family size or composition.

**16.3.2 Procedure for Review**  
**[24 CFR §982.554(b)]**

Applicants will be required to submit written objections to the LACDA by the close of business day, no later than 15 calendar days from the date of the LACDA's notification of "Notice of Cancellation of Application." The informal review will be conducted within 30 calendar days from the date the request is received.

The informal review will not be conducted by the person who made or approved the decision under review, nor a subordinate of such person. The review may be conducted by:

- A staff person who is not the person who made the decision or his/her subordinate, or
- An individual from outside the LACDA.

A Notice of the Review decision will be provided to the applicant within 30 calendar days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

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

Requests for accommodations from persons with disabilities will be granted upon verification that the request is reasonable, and they meet the need presented by the disability on a case-by-case basis.

**16.4 INFORMAL HEARING FOR PARTICIPANTS**  
**[24 CFR §982.555]**

**16.4.1 When an Informal Hearing May Be Requested**  
**[24 CFR §982.555(a)(1)]**

A participant family must be given an opportunity for an informal hearing to consider whether certain LACDA decisions are in accordance with the law, HUD regulations and LACDA policies.

1. A determination of the family's annual or adjusted income, and the use of the income to compute the housing assistance payment.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the LACDA utility allowance schedule.
3. A determination of the family unit size under the LACDA's subsidy standards.
4. A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the LACDA's subsidy standards, or a LACDA determination to deny the family request for a waiver from the standards.
5. A determination to terminate assistance for a participant family because of the family's action or failure to act.
6. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under LACDA policy and HUD rules.
7. A determination to terminate assistance for a participant family for breach of the HQS caused by the family.

In the cases described in paragraphs (4), (5), (6) and (7) of this section, the PHA must give the opportunity for an informal hearing before the PHA terminates the housing assistance payment for the family under an outstanding HAP contract.

**16.4.2 Notification**  
**[24 CFR §982.555(c)]**

- When the matter in question is:
1. The determination of the family's annual or adjusted income or computation of the housing assistance payment;
  2. Appropriate utility allowance (if any) for tenant-paid utilities; or
  3. Family unit size,

The LACDA must notify the family that they may ask for an explanation of the basis of the LACDA's determination. The family must also be notified that if the family does not agree with the explanation, the family may request in writing an informal hearing on the decision.

- When the matter in question is:
1. Certificate family residing in too large a unit, or the LACDA's refusal to issue a waiver to subsidy standards;
  2. Termination due to the family's action or failure to act; or
  3. Absence from the assisted unit for longer than the maximum period permitted,

The LACDA must give the family prompt written notice that the family may request in writing an informal hearing on the decision.

- When the LACDA has made a decision to:
  1. Terminate HAP on behalf of a participant under an active contract;
  2. Refuse to re-issue a voucher; or
  3. Refuse to execute a new contract with a program participant,The family must be given written notice of the opportunity for an informal hearing before the termination of Housing Assistance Payments.
- The notice must:
  1. Contain a brief statement of reasons for the decision;
  2. Inform the participant regarding his/her right to an informal hearing;
  3. Advise the participant that a request for an informal hearing must be in writing;
  4. Advise the participant that the LACDA must receive the request within 15 calendar days of the date of the letter; and
  5. Explain the basic elements of the informal hearing, i.e., right of the participant to present evidence, question witnesses, to have representation, the LACDA-designated impartial hearing officer written decision.

**16.4.3 Prior to Hearing**  
**[24 CFR §982.555(e)(2)]**

Before the informal hearing, the family may request an appointment to examine any documents in the family's portion of the file that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document in the family's file available for examination on request of the family, the PHA may not use the document at the hearing.

Upon request, the LACDA will waive the one-time fee for the family and provide the family a free copy of each relevant document. Duplicate copies of each document will be produced at the family's expense.

The LACDA may also provide information to participants on relevant documents in the possession of other public agencies in order for the participant to contact the agency and obtain a copy of the document. The LACDA may then reference the contents of the document at the hearing through witness testimony.

The LACDA requires that the family submit any documents that are directly relevant to the hearing either before or at the time of the hearing. The LACDA must be allowed to copy any such documents at the LACDA's expense. If the family does not make the document available for examination on request of the LACDA, the family may not rely on the document at the hearing.

During the course of the hearing, if the family offers to submit evidence, the Hearing Officer is not required to, but may exercise the discretion to allow the family to submit a document within a specified period.



**16.4.4 Hearing Process**  
**[24 CFR §982.555(d)]**

When a participant family has timely requested a hearing, the LACDA will proceed within 15 calendar days of receipt of the request to notify the participant of the date, time and location of the hearing.

- There may be one postponement of the hearing date by the participant. A request to reschedule must be requested before the scheduled date and may not extend beyond the proposed termination date.
- Any additional postponements may only be for good cause such as, but not limited to hospitalization, illness or injury. Second postponement requests must be supported by verification of the cause.

**16.4.5 Hearing Officer**  
**[24 CFR §982.555(e)(4)]**

The Hearing Officer may be either a LACDA employee or an outside third party contracted by the LACDA. The Hearing Officer must not have made or approved the decision under review nor be a subordinate of the person who made the decision. The Hearing Officer controls the informal hearing and may:

- Control the scope and method of direct and cross examination of witnesses;
- Control the admission and determine relevancy of offered evidence;
- Question witnesses and set time limitations for any portion of the informal hearing process.
- May consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The Hearing Officer will audio record the hearing and follow the format set forth below.

**16.4.6 Opening**

The Hearing Officer will convene the informal hearing with both parties and their representatives present. (If the participant is represented, the participant will have provided the LACDA written authorization for the representative to do so.)

The Hearing Officer will explain the informal hearing procedures, state the purpose of the hearing, and inform the participant that the hearing will be recorded. The Hearing Officer may request clarification or ask questions of either side or witnesses at any time during the Informal Hearing. Each person present will introduce himself or herself.

**16.4.7 Presentations**

Each side will have an opportunity to present its case and be allowed to present witnesses and submit relevant evidence as determined by the Informal Hearing Officer. (Witnesses may be cross-examined at this time.) The LACDA begins the hearing by presenting the Notice of Hearing. The LACDA will then present a copy

of the original notification to the participant regarding the matter, followed by the evidence, including testimony of witnesses, which supports the allegations in the notification.

#### **16.4.8 Rebuttals**

Each side will have an opportunity to present rebuttal to the evidence presented.

#### **16.4.9 Final Summary**

Each side is then allowed to summarize its arguments.

#### **16.4.10 Conclusion of Hearing**

The Hearing Officer may continue a hearing if additional information from either party is requested. Otherwise, the Hearing Officer will advise each side that the testimony and evidence will be reviewed, a final decision made and a determination letter issued stating the decision and the reasons for the decision within 10 calendar days. The decision of the Hearing Officer is final.

The Hearing Officer will use the following principles for the Informal Hearings and decisions:

1. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
2. Determinations on the matter being reviewed shall be based on the evidence presented at the hearing.
3. If the issues and differences can properly be resolved at the hearing, the Hearing Officer should attempt to resolve them through mutual consent as long as the resolution is not contrary to applicable law, HUD regulations and/or LACDA's policies.
4. The purpose of the hearing is to determine if the original decision made in the case is in accordance with the law, HUD regulations and LACDA policies.
5. The Hearing Officer may not make a finding contrary to HUD regulations or requirements, contrary to federal, state or local law or exceeding the authority of the Hearing Officer.

### **16.5 WHEN AN INFORMAL HEARING IS NOT REQUIRED** **[24 CFR §982.555(b)]**

The LACDA is not required to provide a participant family an opportunity for an informal hearing for the following:

1. To review discretionary administrative determinations by the LACDA
2. General policy issues or class grievances;
3. A LACDA determination that an assisted unit is not in compliance with HQS. (However, the LACDA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS

caused by the family as described in §982.551(c) and Section 10.8 of this plan);

4. To review decision by the LACDA to exercise or not exercise any remedy against the owner under an outstanding Contract, including the termination of HAP to the owner;
5. To review the LACDA's decision not to approve a family's request for an extension or suspension of the term of the voucher;
6. Determination that the unit is not accordance with HQS due to family size;
7. Establishment of the LACDA's schedule of utility allowances for families in the program; or
8. A LACDA determination not to approve a unit or lease.



## **Chapter 17:**

### **OWNER OR FAMILY DEBTS TO THE LACDA**

#### **17.1 INTRODUCTION** **[24 CFR §982.163 and §792]**

This chapter describes the LACDA's policies and guidelines for the recovery of debts and the use of repayment agreements. Before a debt is assessed against a family or owner, the file must contain documentation to support the LACDA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner or the family, as appropriate.

When families or owners owe money to the LACDA, every effort will be made to collect the debt. A variety of collection tools to recover debts may be used including, but not limited to:

- Requests for lump sum payments
- Repayment agreements
- Abatements
- Deductions
- Collection agencies
- Credit bureaus
- Civil suits

#### **17.2 REPAYMENT AGREEMENTS FOR FAMILIES** **[24 CFR §792.103]**

A Repayment Agreement as used in this plan is a document entered into between the LACDA and the person who owes a debt to the LACDA. The Repayment Agreement contains:

- Reference to the paragraphs in the family obligations whereby the person is in non-compliance and may be subject to termination of assistance; and
- A statement that the monthly retroactive rent repayment amount is in addition to the family's regular rent contribution and is payable to the LACDA; and
- The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income; and
- Late and missed payments constitute default of the repayment agreement and may result in termination of assistance; and
- An acknowledgment by the person of the debt in a specific amount; and
- The terms of repayment; and
- Any special provisions of the agreement.

### **17.2.1 Late Payments**

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due.

- If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's repayment agreement is in arrears, the LACDA may do one or more of the following:

- Require the family to pay the entire arrearage plus current month's payment in order avoid loss of assistance;
- Require the family to pay the balance in full in order to avoid losing assistance;
- Pursue civil collection of the balance due; or
- Terminate the housing assistance.

### **17.2.2 Requests To Move**

If the family requests to move to another unit and has a repayment agreement in place, the family will be required to pay the balance in full prior to the issuance of a voucher, regardless of whether or not the family is current with its payments.

Under special circumstances indicated below, the LACDA may make an exception and allow a family to move without paying the entire balance of the debt if the family is current or can become current with its payments:

- HAP contract is terminated due to owner non-compliance
- A natural disaster
- The unit is uninhabitable or has major HQS deficiencies that are not the result of a family action or inaction.
- A life-threatening situation such as the family is a witness to or a victim of a crime and must move for safety reasons. The family will be required to provide proof in such cases.

### **17.2.3 Guidelines for Repayment Agreements**

The LACDA, at its sole discretion, will determine on a case-by-case basis whether or not to offer a family a repayment agreement for monies owed to the LACDA. The offer of a repayment agreement does not constitute an agreement to continue the family's assistance. However, the LACDA will propose termination of the family's assistance upon refusal by the family to enter into a repayment agreement.

Repayment Agreements will be executed between the LACDA and the head of household or other adult family member.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of hardship, and the approval of a LACDA Manager.

If the LACDA offers a repayment agreement, the family has the option to repay retroactive rent balances as follows:

1. In a lump sum amount; or
2. A monthly payment; or
3. A combination of a lump sum and monthly payment.

The LACDA will usually ask that the family pay an initial lump sum (in an amount determined by the LACDA) with the remaining balance to be paid in equal payments over a period of time not to exceed 12 months for amounts under \$2,400 or 24 months for any amount in excess of \$2,400.

In determining the initial lump sum, the LACDA will consider the total amount owed, the ability of the person to make the remaining payments and the percentage of the total sum owed. In most cases, the LACDA will ask the family to pay a significant initial lump sum as part of entering into a Repayment Agreement to help ensure full payment to the LACDA and to reduce the monthly payment. These terms will be negotiated with the tenant.

**Additional Debt Incurred:** If the family has a Repayment Agreement in place and incurs an additional debt to the LACDA:

- The LACDA may choose, at its discretion, to agree to more than one Repayment Agreement at a time with the same family.
- If a Repayment Agreement is in arrears more than 30 calendar days, any new debts must be paid in full.

### **17.3 FAMILY DEBTS OWED FOR UTILITY REIMBURSEMENT PAYMENTS**

Families must repay Utility Reimbursement Payments (URP) made by the LACDA for periods in which the family was not entitled to the URP.

If the amount of the URP owed to the LACDA is \$50 or less, the tenant will be required to pay the debt in full.

### **17.4 FAMILY DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION** **[24 CFR §792.103]**

**HUD's Definition of Program Fraud and Abuse:** A single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Housing Choice Voucher Program funds in violation of Housing Choice Voucher Program requirements.

#### **17.4.1 Family Error/Late Reporting**

Families who owe money to the LACDA due to the family's failure to report income or change in allowances or deductions will be required to repay in accordance with the guidelines set forth in 17.2 (Repayment Agreements for Families) of this chapter.

#### **17.4.2 Program Fraud**

At the LACDA's discretion, families who owe money to the LACDA due to program fraud will be required to repay the debt, and may be required to accept a repayment agreement in accordance with the guidelines set forth in Section 17.2 (Repayment Agreements for Families) of this chapter.

In addition, the case may be referred to the Inspector General and/or the LACDA may refer the case for criminal prosecution.

#### **17.5 FAMILY DEBTS PAID IN FULL**

If the LACDA determines not to enter into a Repayment Agreement, or if the Repayment Agreement is breached and the LACDA demands payment of the balance in full, the family must pay the full amount due and owing in one lump sum. If the family fails to pay, the LACDA will terminate the family's assistance and may pursue collection through a collection agency or a civil action and may notify credit agencies of the debt. Whether or not the amount is paid, the LACDA does not waive its right to take other action including termination of assistance or referral for criminal prosecution in appropriate cases.

#### **17.6 OWNER DEBTS TO THE LACDA**

If the LACDA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the LACDA may deduct the amounts owed from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, LACDA may do one or more of the following:

- Require the owner to pay the amount in full within 30 calendar days;
- Pursue collections through the local court system;
- Pursue collections through a collection agency; or
- Restrict the owner from future participation;
- Agree to a repayment agreement with the owner for the amount owed. Repayment period may not exceed 2 months; however an owner may appeal to the Executive Director in writing for additional time.

##### **17.6.1 Owner Debts Due to Fraud**

If the landlord has been overpaid because of fraud, misrepresentation or violation of the contract, the LACDA may terminate the contract and arrange for restitution to the LACDA and/or family as appropriate.

The LACDA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Possible remedies available to the LACDA include: recovering monies owed from payments otherwise due to the owner, setting up a repayment agreement, referring the debt to a collection agency, or pursuing the matter in a civil court. A determination on the course of action to be taken will be based on the nature of the violation and the amount of the money owed. Generally,



if the owner is cooperative, is willing to pay back all monies owed, and all monies will be repaid within 2 months, the LACDA will offer the owner a chance to enter into a Repayment Agreement. However, in cases where the owner knowingly and willfully violated program rules, the LACDA may seek full repayment in one lump sum.

### **17.7 WRITING OFF DEBTS**

Debts may be written off if:

- The debtor's whereabouts are unknown and the debt is more than 3 years old.
- A determination is made that the debtor is judgment proof.
- The debtor is deceased and has an insufficient estate.
- The debtor is confined to an institution indefinitely or for more than 3 years.
- The amount is less than \$100 and the debtor cannot be located.
- If a family defaults on a repayment agreement for an amount less than \$50.



## **Chapter 18:**

### **SPECIAL PROGRAMS**

#### **18.1 INTRODUCTION**

The LACDA periodically has the opportunity to apply for targeted funding for special populations. The LACDA often enters into collaborative agreements with other agencies or County departments to qualify for and/or administer these funds. **Special Program policies and procedures are the same as that of the Housing Choice Voucher program except as otherwise noted. If there is a conflict between program regulations and the Admin Plan, the program regulations have precedence.**

Currently, The LACDA's Special Needs Housing and Special Program Units administer the following targeted programs:

- Family Unification Program (Family UP);
- Welfare-to-Work Program (WtW);
- Continuum of Care Program (CoC);
- Housing Opportunities for Persons with AIDS Program (HOPWA);
- Veterans Affairs Supportive Housing (VASH) Program, and
- The Family Self-Sufficiency Program (FSS).

This chapter provides details on the special programs currently administered by the LACDA. This section is divided into two main parts:

- Housing Assistance Programs, and
- Family Self-Sufficiency Program.

Housing Choice Voucher Welfare-to-Work Program (WtW) Program. This program originally provided assistance to families who were eligible for CalWORKs benefits, were in good standing with the employment/job training program offered by the Los Angeles County Department of Public and Social Services (DPSS) and were in need of housing in order to obtain or retain employment. The LACDA no longer accepts applicants for the Welfare to Work program, however original participants still receive assistance with a Welfare to Work voucher. The LACDA maintains these contracts in accordance with the policies found throughout this Plan for traditional Housing Choice Vouchers.

#### **18.2 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM**

This program provides rental assistance to homeless veterans and their families in combination with case management and clinical services through the Department of Veterans Affairs (VA) at Veterans Affairs Medical Center (VAMC) supportive service sites.

### **18.2.1 Referral Process/Waiting List**

The LACDA does not maintain a waiting list for the VASH Program. Instead, the VAMC utilizes a Coordinated Access System to refer homeless veterans and their families to the LACDA for VASH program rental assistance.

### **18.2.2 Eligibility**

To qualify for VASH rental assistance, applicants must meet HUD's income eligibility requirements. To determine final eligibility, the LACDA may verify all information submitted by applicants.

VASH applicants are not subject to a criminal background check, except to determine if any member of the family aged 13 and older is subject to a lifetime sex offender registration requirement.

For more specific information on eligibility requirements, refer to Chapter 2 Admission Eligibility Factors and Applicant Requirements.

### **18.2.3 Income Targeting**

VASH applicants are not subject to income targeting requirements. The LACDA may include the admission of an extremely low-income VASH applicant in its income targeting report for the fiscal year in which the family was admitted.

### **18.2.4 Denial of Participation**

**[24 CFR §982.552 and §982.553]**

VASH applicants may not be denied assistance except for failure to meet income eligibility or for being subject to a state lifetime sex offender registration requirement. If a VASH applicant is denied assistance, the LACDA will send a copy of the denial notice to HUD Headquarters, Office of Public and Indian Housing, as specified in PIH Notice 2008-37.

### **18.2.5 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

The Homeless Condition Form is not required for VASH participants as the VAMC will verify if the participant is homeless.

### **18.2.6 Briefing Sessions and Voucher Issuance**

Briefing sessions are conducted for all eligible VASH applicants. Families are issued a Housing Choice Voucher with an initial search time of a minimum of 120 days.

See Chapter 8 for policies regarding voucher extensions.

### **18.2.7 Contracts/Tenant Payments**

Similar to the the Housing Choice Voucher Program, VASH program families are contracted based on the payment standards, and participants may pay up to 40% of their adjusted monthly income for the initial lease of a unit.

Unlike the Housing Choice Voucher program, VASH families may enter into an initial lease of less than 12 months [FR-5596–N–01].

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

### **18.2.8 Eligible Housing Types**

Along with other eligible housing types listed in Chapter 9 The New Contract Process , VASH families may also use the voucher in a unit owned by the VA on the grounds of the VAMC.

### **18.2.9 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

### **18.2.10 Housing Quality Standards (HQS) Inspections**

#### **[24 CFR §982.401 and §982.405]**

Housing leased with a VASH voucher must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

After initial occupancy, VASH housing will be subject to at least an annual inspection to ensure that the housing continues to meet HQS.

For more specific information, refer to Chapter 10. Housing Quality Standards and Inspections.

### **18.2.11 Terminations**

#### **[24 CFR §982.552 and §982.553]**

VASH families are required to participate in case management services provided by the VAMC. In cases where the VASH family failed to comply with this requirement without good cause, at the direction of the VA, the LACDA must propose termination of the family's assistance.

A VA determination that the family no longer requires case management is not grounds for termination.

VASH participants are subject to the Housing Choice Voucher program rules under the family obligations. For more specific information on family obligations, please see Section 15.8 Family Obligations.

#### **18.2.12 Program Transition**

If the VAMC determines the family no longer requires case management services, the LACDA will issue the family a regular Housing Choice Voucher in order to retain the VASH voucher for homeless veterans in need of case management services.

#### **18.2.13 Portability**

VASH families may port before initial lease-up, even when they did not reside in the LACDA's jurisdiction at the time of application.

If a VASH family ports to a Public Housing Agency where they can be served by the VAMC that services the LACDA's jurisdiction, the receiving Public Housing Agency must bill the LACDA. If a VASH family ports to another Public Housing Agency with an available VASH voucher and where the family will be served by the VAMC in that area, the receiving Public Housing Agency must absorb the family.

A VASH family may not port to another Public Housing Agency where there is no VAMC that can serve them. They also may not port where the family will receive case management through the receiving Public Housing Agency's VAMC and the receiving Public Housing Agency does not have an available VASH voucher.

For more specific information on allowable moves and eligibility for portability, please refer to Chapter 13 (Allowable Moves/ Portability).

### **18.3 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)**

This program specifically targets individuals and families afflicted by HIV/AIDS. Assistance under this program is provided for one year. After the one-year term, all HOPWA participants in good standing are allowed to transition to the regular Housing Choice Voucher Program. This program is also administered by the LACDA in other cities in addition to the cities currently within the LACDA's jurisdiction.

#### **18.3.1 Referral Process/Waiting List**

The LACDA does not maintain a waiting list for the HOPWA Program. Eligible families are identified to apply for this program by pre-selected service providers or other agencies and are referred to the LACDA.

#### **18.3.2 Eligibility**

Applicants must meet HUD's eligibility requirements for HOPWA to qualify for rental assistance. In order to determine final eligibility, the LACDA may verify all information submitted by applicants.

For more specific information on eligibility requirements, please see Chapter 2 (Admission Eligibility Factors and Applicant Requirements).

### **18.3.3 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

The Verification of Disability and/or Diagnosis Form must be provided for all individuals claiming a disability, especially a disability that is cited as a qualifying factor for the HOPWA program. Written determinations must be made by a medical professional trained to make such determination.

### **18.3.4 Denial of Participation**

If a family previously participated in any special program and violated a family obligation and was terminated, the family may be denied future participation.

Families may be denied participation in the program if they owe the LACDA, or any other housing agency, money in connection with the Housing Choice Voucher Program or Public Housing assistance.

Families referred by contracted Community-Based Organizations (CBO's), will be sent a denial letter and referred to the CBO if there are any further questions.

### **18.3.5 Criminal Background**

Applicants of the HOPWA Program are not required to submit to a criminal background check to determine eligibility.

### **18.3.6 Briefing Sessions**

Briefing sessions are conducted for all special programs. HOPWA applicants are issued certificates.

For more specific information on voucher issuance and briefings, please see Chapter 8 (Voucher Issuance and Briefing).

### **18.3.7 Contracts/Tenant Payments**

The HOPWA program is contracted based on the Fair Market Rents published by HUD and tenant rental portions are limited to 30% of the participant's adjusted monthly income.

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

### **18.3.8 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The

family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

### **18.3.9 Housing Quality Standards (HQS) Inspections**

#### **[24 CFR §982.401 and §982.405]**

Housing leased with a HOPWA Program funds must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

After initial occupancy, HOPWA housing will be subject to at least an annual inspection to ensure that the housing continues to meet HQS.

For more specific information, refer to Chapter 10. Housing Quality Standards and Inspections.

### **18.3.10 Terminations**

- **Proposed Terminations:** Community Based Organizations and/or other government units or departments currently contracted by the LACDA to provide supportive services may request termination of housing assistance for a program participant who is in violation of program requirements and/or conditions of occupancy.
- **Terminations:** Housing assistance may be terminated if a family violates specific program requirements and/or the family obligation.

For more specific information on family obligations, please see Chapter 15 (Family Obligations).

### **18.3.11 Portability**

HOPWA participants have no portability rights as long as they continue being assisted under this program. However, after 1 year of HOPWA assistance, eligible participants are converted to the regular Housing Choice Voucher program and become eligible to port out to another Public Housing Agency jurisdiction.

For more specific information on allowable moves and eligibility for portability, please refer to Chapter 13 (Allowable Moves/ Portability).

### **18.3.12 Confidentiality**

To protect a participant's confidentiality as it relates to a medical diagnosis, all communication with persons other than the HOH shall not include any reference to the Program including its acronym. Communications include, but are not limited to, program forms, emails, and telephone calls.



## **18.4 HOUSING CHOICE VOUCHER FAMILY UNIFICATION (FUP) PROGRAM**

The FUP program provides rental assistance to families who are in imminent danger of losing or who cannot regain custody of their minor children due to lack of adequate housing and to foster care youth at risk of homelessness. This program is a collaborative effort between the LACDA and the Los Angeles Department of Children and Family Services (DCFS). Eligible program participants are identified by DCFS and referred to the LACDA for rental assistance.

As of March 2022, the LACDA will administer Foster Youth to Independence (FYI) initiative vouchers in partnership with DCFS. On behalf of City and County Continuum of Care (the CoC), the Los Angeles Homeless Services Authority (LAHSA), and the Department of Health Services ((DHS) committed to the maximum extent feasible, to cooperate with the LACDA and DCFS and to provide any assistance needed to administer and achieve the goals of the FYI initiative vouchers.

Under FYI, the LACDA will provide housing assistance on behalf of youth at least 18 years and not more than 24 years of age (have not reached their 25th birthday) who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act, and are homeless or are at risk of becoming homeless at age 16 or older.

In addition to providing up to 36 months of rental assistance, youth must be provided supportive services to assist the young person on their path to self-sufficiency.

### **18.4.1 FUP Program Funding**

The number of families and/or youths who may receive assistance under FUP is determined by the number of FUP Housing Choice Vouchers (HCVs) that have been awarded to the LACDA through a competitive application process determined by HUD.

### **18.4.2 Eligibility**

The Family Unification Program (FUP) is a program under which Housing Choice Vouchers (HCVs) are provided to two different populations. DCFS or LAHSA determines eligibility for participation in FUP by identifying families and youths who meet the eligibility criteria of:

1. Families for whom the lack of adequate housing is a primary factor in:
  - The imminent placement of the family's child or children in out-of-home care, or
  - The delay in the discharge of the child or children to the family from out-of-home care.
2. FUP eligible youth must:
  - Be at least 18 years and not more than 24 years of age.
  - Have left foster care at age 16 or older or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act; and

- Be homeless or at risk of homeless.

DCFS or LAHSA certifies eligibility of selected families or youths and refers them to the LACDA for rental assistance processing.

Under the FYI, DCFS and the LAHSA as the Coordinated Entry System (CES), will identify FYI Competitive-eligible youth. FYI Competitive-eligible youth currently in foster care will be prioritized and referred to LACDA for an FYI Competitive vouchers directly from DCFS, in partnership with LAHSA-funded DCFS liaisons. Eligible youth without an open DCFS caseload will be referred to the LACDA via CES.

The LACDA conducts an initial assessment of referred FUP applicants to determine eligibility under the provisions of the HCV program. FUP applicants who meet HCV program requirements are processed to receive rental assistance under HCV regulations.

As required by statute, a FUP voucher issued to a FUP-eligible youth may only be used to provide housing assistance for the youth for a maximum of 36 months. There is no statutory limitation on the time a family may receive housing assistance under the program.

For more specific information on eligibility requirements, please see Chapter 2 (Admission Eligibility Factors and Applicant Requirements).

#### **18.4.3 Waiting List Administration**

Due to the fact that families or youth may be placed on the waiting list only by DCFS referral, the LACDA will not give a public notice of the waiting list opening for the FUP applicants. Instead, the LACDA's HCV waitlist will remain open to accept FUP referred families and youth who are not currently on the HCV waitlist.

Whether or not the FUP family or youth are already on the HCV waitlist, the LACDA's waiting list will prioritize these applicants based on the FUP/FYI target for the voucher being issued.

Upon receipt of referrals, the LACDA will compare the names with those of families or youth already on the LACDA's HCV waiting list. Any family or youth on the LACDA's HCV waiting list that DCFS identifies and refers as eligible will maintain their position on the waiting list, will be identified as FUP-eligible, and will be served prior to the DCFS referrals not currently on the HCV waiting list.

Any family or youth certified as eligible and not on the HCV waiting list will be placed on the HCV waiting list for a FUP voucher based on the date and time of the application.

For the purpose of the FUP program, the LACDA will not require that a program applicant qualify for a jurisdictional preference since most applicants are homeless and are unable to provide information about their last known permanent address.

The LACDA reserves the right to cease referrals once all FUP/FYI vouchers are in use and to commence referrals upon voucher turn-over.

#### **18.4.4 Verification Procedures**

Since HUD requires that factors of eligibility must be verified, applicants and program participants are required to provide proof of their statements whenever required by the LACDA.

#### **18.4.1 Criminal Background**

A background check will be performed for all adults at the time of initial eligibility, and upon addition of a member(s) to a household. Under no circumstances will the LACDA admit a life-time registered sex offender into the Family Unification Program.

For more specific information on the applicant screening standards used by the LACDA when reviewing criminal records, please see Section 2.8 (Denials of Assistance).

#### **18.4.2 Denial of Participation**

The family must remain FUP-eligible from the referral phases through lease-up.

In order to meet the definition of a FUP eligible family, lack of adequate housing must be a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in delaying the reunification. If the lack of adequate housing is no longer a primary factor for the family not reunifying, the family is no longer eligible for a FUP voucher and the FUP voucher cannot be issued to the family.

If the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

If a FUP applicant previously participated in any special program and violated a family obligation and was terminated, the applicant may be denied future participation.

FUP applicants may be denied participation in the program if they owe the LACDA, or any other housing agency, money in connection with the Housing Choice Voucher Program or Public Housing assistance.

FUP applicants will be sent a denial letter and referred back to DCFS if there are any further questions.

#### **18.4.3 Briefing Sessions**

Briefing sessions are conducted for all eligible applicants.

For more specific information on voucher issuance and briefings, please see Chapter 8 (Voucher Issuance and Briefing).

#### **18.4.4 Voucher Issuance**

Upon verification of minor children who will be returned to the FUP household provided by the DCFS, the bedroom size voucher to be issued to the FUP

household will be based upon the number of family members, including the minor children who are to be returned.

#### **18.4.5 Contracts/Tenant Payments**

The FUP program is contracted based on the payment standards, and participants may pay up to 40% of their adjusted monthly income.

For more specific information on determining total tenant payment, please refer to Chapter 6. For more specific information on the new contract process, request for tenancy approval and contract execution, please refer to Chapter 9.

#### **18.4.6 Supportive Services for Foster Youth to Independence (FYI)**

Prior to and after rental housing is secured, the following services will be provided for at least 36 months by DHS :

- Financial Assistance
- Rental Application Fees: application fee that is charged by the owner to all applicants; if applicable.
- Security Deposits (up to two (2) months) for an unfurnished unit and three (3) months for a furnished unit; if applicable
- Move in Assistance- First month's rent; if applicable,
- Furnishings: including child safety devices;
- Landlord holding fees; if applicable,
- Moving Costs: moving costs, such as truck rental or hiring a moving company, including certain temporary storage fees;
- Utility Deposits: standard utility deposit required by the utility company for all customers (i.e., gas, electric, water/sewage);
- Utility Payments: including up to six (6) months of arrearages, per service; if applicable,
- Reasonable and appropriate motel/hotel vouchers when rental housing has been identified for the youth but is not immediately available for move-in, provided there are no appropriate emergency shelter beds available and six-months of Aftercare services that will help the youth retain permanent housing.
- Post-move counseling including but not limited to subsequent-move counseling if the client decides to move a second time and landlord/tenant mediation.

DCFS will provide additional case management services to youth with open DCFS cases and who have multiple and complex challenges through various contracted providers that offer various services such as in-home counseling, teaching and demonstrating life skills, short term counseling, long term mental health counseling, domestic violence and substance abuse services, parenting classes, transportation, concrete supports (food, clothing, financial assistance with rent and deposit, furniture and appliances) and advocacy to navigate various public systems.

The LACDA will assist FYI Competitive-eligible youths who are homeless or at risk of homelessness through its Homeless Incentive Program (HIP), contingent on funding availability.

After Lease-up, the LACDA will encourage FYI Competitive youth to enroll in its existing Family Sufficiency Program (FSS) and encourage currently enrolled FYI Competitive youth to complete the FSS program, with the objective to reduce the dependency on welfare assistance, HCV assistance, public assistance, or any federal, state, or local rent or homeownership subsidies.

As mentioned above, these services will be provided for at least 36 months, prior to and after permanent housing is secured, and will be focused on coordinating and delivering services that ensure long term housing stability.

#### **18.4.7 Re-Examinations**

The LACDA is required to process annual re-examinations. In cases where a family experiences a change in household composition and/or income between annual re-examinations, the LACDA will process an interim re-examination. The family is required to report all changes in earned and unearned income, assets, expenses, full-time student status, and family circumstances within 10 calendar days of the date the change takes effect.

For more specific information regarding causes for processing annual/interim re-examinations and the requirements for completing annual/interim re-examinations, please refer to Chapter 12 (Re-Examination).

#### **18.4.8 Termination of Assistance and Tenancy**

The LACDA's policy and procedures regarding the termination of assistance and tenancy contained in Section 15.7 Family Obligations of this Administrative Plan apply to FUP and in addition, may include the following grounds for termination:

- DCFS may request termination of housing assistance for a program participant who is in violation of program requirements and/or conditions of occupancy.
- The case plan has been changed, and re-unification of the family may not occur within a reasonable time period, as per verification received from the DCFS.
- Housing assistance may be terminated if a family violates specific program requirements and/or the family obligation.
- FUP rental assistance issued to an emancipated youth is limited to a maximum of 36 months.

#### **18.4.9 Program Transition for Emancipated Youth**

As required by statute, a FUP voucher issued to a FUP-eligible youth may only be used to provide housing assistance for the youth for a maximum of 36 months. If funding and Housing Choice Vouchers are available, the LACDA may prioritize a voucher as outlined under Chapter 4 Admissions Process, specifically Section 4.4 Local Preferences. Applicants must meet all Housing Choice Voucher program eligibility requirements. Admission will be on a first come first serve basis.

#### **18.4.10 Program Administration**

The LACDA policy and procedures contained in the remaining chapters in this Administrative Plan that have not been included in this chapter, will apply to FUP.

## **18.5 FAMILY SELF-SUFFICIENCY PROGRAM** **[24 CFR §984.101(a)]**

Family Self-Sufficiency promotes the development of local strategies to enable families to achieve economic independence and self-sufficiency. The program is designed to provide supportive services for families who are residents within the LACDA's jurisdiction. Supportive services include but are not limited to childcare, education, transportation, counseling, job preparation, vocational training and home ownership workshops.

New admissions to the Family Self-Sufficiency program will be limited to the level of available funding.

Upon becoming employed, FSS participants continue to pay rent in accordance with the LACDA's housing choice voucher procedures. Whenever the participant's rent increases due to earned income, the LACDA establishes an interest bearing Escrow Account in their name. If the family successfully completes the contract obligations within 5 years, the family can apply to graduate from the program and receive the accrued portion of their escrow account.

The LACDA is to establish a Program Coordinating Committee (PCC) consisting of at least one representative of the LACDA and at least one of the residents assisted under the section 8 housing voucher program; to assist in securing commitments of public and private resources for the operation of the FSS program.

### **18.5.1 FSS Application Process**

Applications are readily available to Section 8 program participating families. Upon request, an application will be sent to the family. Tenants will not be penalized for not participating in the FSS Program since it is a voluntary program. Once an application is submitted to the FSS office, eligibility is determined. If the application is not accepted, the tenant will be notified within 30 calendar days.

### **18.5.2 Waiting List** **[24 CFR §984.203(b) and (c)]**

If there is no current availability to enroll eligible participants, applicants will be placed on the FSS waiting list in the order of the date and time their applications are received by the LACDA. When a slot becomes available, the next eligible family will be contacted for an interview with an FSS program specialist. Applicants who: 1) fail to respond; 2) do not attend the interview; and/or 3) are not willing to sign the FSS Contract of Participation will be removed from the waiting list in accordance with section 24 CFR §984.203(c).

The LACDA's FSS program will give priority to incoming portable families with an active FSS Contract of Participation.

### **18.5.3 FSS Eligible Families** **[24 CFR §984.103]**

FSS eligible families are housing choice voucher holders and/or residents of County Public Housing.

- “FSS family” or “participating family” means a family that receives assistance under Public Housing or the Housing Choice Voucher Program and elects to participate in the FSS Program and whose designated head of FSS family has signed the Contract of Participation.
- “Head of the FSS family” means the adult member of the FSS family who is the head of household for purposes of determining income eligibility and rent.

**18.5.4 Denial of Participation**  
**[24 CFR §984.303 and §984.305(b)]**

If a family previously participated in the FSS Program but did not meet its obligations and was terminated, the family may be denied future participation.

Families may be denied participation in the program if they owe the LACDA or any other housing agency money in connection with the Housing Choice Voucher Program or Public Housing assistance.

**18.5.5 Contract of Participation (COP)**  
**[24 CFR §984.303]**

If the family is eligible to participate, the LACDA will prepare a Contract of Participation (CoP) and an Individual Training and Services Plan (ITSP) for the household within 30 calendar days of the date the application is returned. The COP is valid for five years and may be extended up to two years to allow the family to meet their goals. Following execution of the CoP and ITSP, participants are referred to an FSS case manager for contract administration and may also be referred to a contracted Community Based Organization (CBO) for supportive services. The contract will contain the effective date as well as the expiration date. It will outline the resources, supportive services, and the starting base for determining the escrow account. In addition, the contract will outline the guidelines for administering and disbursing the escrow funds in accordance with [24 CFR §984.303(b)(1)].

**18.5.5.1 Needs Assessment**

The LACDA will perform a needs assessment with the family using various needs assessment tools. Upon completion of the assessment, the FSS case manager will be able to establish the milestones, and short and long-term goals designated for the head of household on the ITSP and any other participating family members with an executed ITSP.

**18.5.5.2 Individual Training and Service Plan (ITSP)**

The contract must contain an ITSP for the FSS head of household. Other adult family members who wish to receive services must also have an individual training and services plan to participate in the FSS program. The resources and services to be provided must be contained in the plan. It must contain the milestones, interim goals and final goal for suitable employment.

Each individual FSS contract must contain an ITSP for the FSS head of household and any participating family member. The items included on the ITSP will include:

- The resources and services to be provided by the LACDA and contracted supportive services provider;

- The individual milestones, interim goals and final goal for suitable employment;
- Completion dates for each individual interim goals will be included on or before the contract expiration date;
- A mandatory interim goal for families receiving welfare is that all family members must be free of welfare assistance for 12 consecutive months prior to the expiration of the contract (including extensions) [24 CFR §982.306(b)(2)];

The requirement for the head of the FSS family to seek and maintain suitable employment throughout the term of the contract; and

Each ITSP plan must be signed by the participant and a LACDA representative.

Any changes to the ITSP must be included as a revision to the original plan. The revision may be based on the following reasons: factors keeping the client from effectively becoming suitably employed, lack of supportive services, and unforeseen circumstances/barriers. The revision must include:

- The item changed;
- Signature of the participant and a LACDA representative; and
- The date signed.

#### **18.5.5.3 Executing the FSS Contract of Participation (CoP)** **[24 CFR §984.303]**

The CoP establishes an agreement between the family and the LACDA as to the responsibilities of each party. The contract is to be signed by the head of the FSS family, which is the head of household for purposes of determining eligibility. The effective date of the contract will be the first of the month after the contract is executed. The limited term is 5 years. Copies of the documents will be furnished to the head of household.

The CoP may be modified in the following areas, if the LACDA and the family mutually agree [24 CFR §984.303(f)]:

- Individual Training and Services Plan
- The contract term (extension)
- Designation of the FSS head of the family in cases where the FSS head is deceased or becomes unassisted

A change in the designated FSS head must be included as an attachment to the Contract. It must contain the following:

- Name of new designated FSS head
- The signatures of the new FSS head and a LACDA representative
- The date signed

The following representative(s) is/are authorized to execute a contract on behalf of the LACDA: the Special Programs Manager, the FSS Coordinator, and the FSS Program Specialist.



**18.5.5.4 Contract Extensions**  
**[24 CFR §984.303(d)]**

The contract may be extended in writing and at the family's request, for up to 2 years for good cause. The LACDA will only grant an extension in rare circumstances that are beyond the control of the family, and which prevent completion of the training and services plan. Termination of employment for nonperformance by the FSS head is not justification for a contract extension. The LACDA may extend the CoP to allow families to meet the interim goal of being welfare-free at least 12 consecutive months prior to the expiration of the contract. During an extension to the contract, the family continues to have FSS amounts credited to the escrow account.

**18.5.5.5 Completion of the Contract**  
**[24 CFR §984.303(g)]**

The contract of participation is considered to be completed, and a family's participation in the FSS Program is considered to be concluded when one of the following occurs:

- The FSS family has fulfilled all of its obligations under the Contract of Participation on or before the expiration of the contract term, including any extension thereof; or
- For HCV FSS participants only, 30% of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on the PHA's occupancy standards. The Contract of Participation will be considered completed and the family's participation in the FSS Program concluded on this basis even though the contract term, including any extension thereof, has not expired, and the family members who have individual training and services plans have not completed all the activities set forth in their plans. The head of the FSS family must certify that to the best of his or her knowledge, no member of the FSS family is a recipient of welfare assistance (cash maintenance payments) on the last day in which 30% of the monthly adjusted income of the FSS family equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies for based on the PHA's occupancy standards.
- **NOTE:** Public Housing participant families are excluded from the second option, which allows for COP completion or graduation if 30% of the family's monthly-adjusted income is greater than or equal to the area's FMR.

The LACDA may set milestones for employment and other activities leading to self-sufficiency early in the 5-year contract term in accordance with the family's abilities. The family's obligations may terminate before the end of the 5-year contract term, and the family's participation in the FSS Program and entitlement to the escrow may be less than 5 years.

#### **18.5.5.6 Termination of the Contract** **[24 CFR §984.303(h)]**

The contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements. The Contract of Participation may be terminated before the expiration of the contract term, and any extension thereof, by:

- Mutual consent of the parties;
- The failure of the FSS family to meet its obligations under the contract of participation without good cause, including in the Section 8 FSS Program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA;
- The family's withdrawal from the FSS Program;
- Such other act as is deemed inconsistent with the purpose of the FSS Program; or
- Operation of law

#### **18.5.6 Compliance With The Lease** **[24 CFR §984.303(b)(3)]**

The Contract provides that the family must comply with the assisted lease. Therefore, noncompliance with County Housing Development lease, or the lease with the owner in the Housing Choice Voucher Program, is grounds for termination of the FSS Contract of Participation.

In the Housing Choice Voucher Program, if the violation of the lease is "serious or repeated," the LACDA may also terminate program assistance.

#### **18.5.7 Escrow Accounts** **[24 CFR §984.305]**

The general concept of the escrow account is that FSS families continue to pay rent in accordance with their incomes (even as their incomes increase due to employment income). As a rule, the amount of the increase in earned income is escrowed. Because there are other factors that affect the family rent, it will not necessarily be dollar for dollar. The amount escrowed for the family will depend on whether the family is considered a very low- or low-income family.

- **Disbursing the FSS Escrow Account:** The amount in an FSS account, in excess of any amount owed to the LACDA by the FSS family, is paid to the head or designated remaining family member of the FSS family [24 CFR §984.305(c)]:
  - When the contract of participation has been completed. The head of the family must provide written certification that no member of the family is receiving welfare assistance (cash maintenance payments); and
  - For HCV FSS participants only, when 30% of the family's monthly adjusted income equals or is greater than the Fair Market Rent amount for the unit size for which the family qualifies. The family must provide written certification that no member of the family is receiving welfare assistance (cash maintenance payments).

- **NOTE:** Public Housing participant families are excluded from the second option, which allows for COP completion or graduation if 30% of the family's monthly-adjusted income is greater than or equal to the area's FMR.
- **Interim Disbursement:** The LACDA may, at its sole discretion, disburse a portion of the funds from the family's escrow account during the contract period for contract-related expenses if the family has fulfilled certain interim goals and needs a portion of the FSS account funds for purposes consistent with contract such as [24 CFR §984.305(c)(2)]:
  - School tuition;
  - Business start-up expenses;
  - Car when public transportation is unavailable or inaccessible to the family; or
  - Job training expenses.

The family may use the final disbursement of escrow account funds without restriction.

The LACDA cannot restrict a family's use of FSS escrow account funds withdrawn by the family unless the funds are withdrawn to aid in the completion of an interim goal.

- If a family receives an advance payment from their escrow account prior to completing the Contract, the advance payment does not have to be repaid to the LACDA if the family drops out of the FSS program, unless the payment was due to fraud or misinformation by the family.

If the family moves outside of the LACDA's jurisdiction under the Housing Choice Voucher Program portability procedures, the LACDA may transfer the balance of the family's FSS escrow account to another public housing agency [24 CFR §984.306(e)].

#### **18.5.7.1 Reporting on FSS Accounts** **[24 CFR §984.305(3)]**

- Each FSS family will receive an annual report on the status of the family's FSS escrow account, which will include:
  - The balance at the beginning of the reporting period;
  - The amount of the family's rent payment that was credited to the FSS account during the reporting period;
  - Any deductions made from the account for amounts due to the LACDA before interest is distributed;
  - The amount of interest earned on the account during the year; and
  - The total in the account at the end of the reporting period.

#### **18.5.7.2 Forfeiting the FSS Escrow Account** **[24 CFR §984.305(f)]**

Amounts in the FSS escrow account will be forfeited if:

- The Contract of Participation is terminated;

- The Contract of Participation is completed but the family is receiving welfare assistance when the contract expires, including extensions; or
- The head of the family dies and the remaining members of the family choose not to continue participating in the program, and the contract obligations have not been met.

If families do not pay their rent to the owner, the funds may be forfeited because:

- Compliance with the applicable housing choice voucher or Public Housing lease is a family obligation under the Contract, and
- Nonpayment of rent is grounds for terminating a family's FSS participation and forfeiture of the escrow.

In the housing choice voucher program, FSS account funds forfeited by the family will be treated as program receipts for payment of program expenses under the LACDA's Housing Choice Voucher Program budget. Escrow funds may be used by the LACDA for HUD-approved expenses; such expenses may include rental assistance payments.

In Public Housing, the forfeited account will be credited to the LACDA's operating reserves and counted as other income in the calculation of the Public and Indian Housing Performance Funding System (PFS) operating subsidy eligibility for the next budget year. The escrow funds may be used by the LACDA for HUD-approved expenses such as Public Housing maintenance costs.

#### **18.5.8 Change in Family Composition**

If the head of the FSS family no longer resides with other family members in the assisted unit, the remaining family members of the family will have the right to designate another family member to receive the funds. The LACDA must approve this change.

If a family with two adults splits up, the LACDA will determine if the escrow should be paid. The family may be paid if the family member that continues to reside in a Housing Development and/or retains the rental assistance through the Housing Choice Voucher Program:

- Is already head of the FSS family, or
- Was not designated as head of the FSS family but now designates himself or herself to receive the escrow account.

#### **18.5.9 FSS Termination/Cancellation/Portability** **[24 CFR §984.303(h)]**

The LACDA is responsible for determining whether the family has violated the FSS contract and whether the family's rental assistance should be terminated.

##### **18.5.9.1 FSS Termination Due To Portability** **[24 CFR §984.306(f)]**

If an FSS family relocates to another Public Housing Agency located *outside* of the County of Los Angeles' geographic area, the family will be terminated from the LACDA's FSS Program.

If an FSS family ports to another Public Housing Agency after the initial term of their FSS COP, and the receiving Public Housing Agency is absorbing the family, the family will have up to 1 year to transfer its FSS COP to the receiving Public Housing Agency, if the receiving Public Housing Agency is willing to enroll the family into its FSS program

If the receiving Public Housing Agency does not have an FSS Program or rejects the family, the family will be terminated from LACDA's FSS Program.

If a relocating FSS family is unable to fulfill its obligation under the FSS contract, the LACDA or the receiving Public Housing Agency, whoever is party to the FSS Contract of Participation may:

- Terminate the family from the FSS Program and the family's FSS account will be forfeited, and
- Terminate the family's rental assistance since the family failed to meet its obligations under the FSS contract.

If the family's FSS account is forfeited, the funds in the account will revert to the Public Housing Agency maintaining the FSS account for the family and will be treated as program receipts.



## **Chapter 19:**

### **ENHANCED HOUSING CHOICE VOUCHER ASSISTANCE**

#### **19.1 INTRODUCTION** **[24 CFR §886 & §882]**

Enhanced voucher assistance will be offered to eligible residents under the following categories of Housing conversion actions - owner opt-outs and preservation prepayments, who are residing in the property on the date of the eligibility event (the contract expiration or the effective date of the prepayment).

In addition, although families affected by Section 8 moderate rehabilitation opt-outs are eligible for enhanced vouchers which are subject to the policies described by this section, these opt-outs are not considered a housing conversion action because the expiring contract is between the owner and the LACDA.

Families residing in eligible project-based developments on the date of the owner's prepayment/termination/opt-out will be offered a subsidy (enhanced voucher) if they meet other eligibility criteria. A family will be required to contribute a minimum amount toward rent.

Unlike a regular voucher, the subsidy is "enhanced" to cover the difference between the normally applicable payment standard and the possibly higher proposed rent of the unit that is going through the housing conversion action and Moderate Rehabilitation program opt-outs.

#### **19.2 TERMS/PROVISIONS**

The residents of the project-based program under the HUD Section 8 Contract are eligible to receive an Enhance Housing Choice Voucher if the participant eligibility screening is approved, including the criminal background check requirement.

The LACDA issues a family an enhanced voucher based on the number of bedrooms the family qualifies for under the current subsidy standards, not actual size of the unit the family is occupying. If the bedroom size of the family's unit exceeds the number of bedrooms the family qualifies for under the current subsidy standards the family is *over-housed*.

##### **19.2.1 Characteristics of Enhanced Voucher Assistance**

Enhanced vouchers have several special requirements but in all other respects are subject to normal housing choice voucher program rules.

##### **1. Payment standard where the family chooses to stay in the same project.**

For families who choose to remain in place, the payment standard equals the new proposed gross rent. The payment standard equals the new gross rent for the unit after the opt-out or prepayment (provided the gross rent is reasonable based on comparable units).

If the Total Tenant Payment (TTP) exceeds the applicable payment standard at conversion, then the tenant is not eligible for assistance.

**2. Payment standard where the family chooses to move.**

In all cases where the family decides to move from the development, HCV rules apply. (The payment standard equals the lesser of the new gross rent or payment standard).

This payment standard includes situations where the family must move in order to receive assistance because the proposed new rent for the family's current unit in the preservation/opt-out development is reasonable in relation to comparable units.

**3. Housing Quality Standards (HQS) Inspections**

For families that chose to remain in place, the unit must meet the HQS performance requirements both at commencement and throughout the assisted tenancy. After the unit meets the initial HQS performance requirements, the unit will be subject to at least an annual inspection to ensure that the housing continues to meet HQS. For more specific information, refer to Chapter 10. Housing Quality Standards and Inspections.

**4. Rent Reasonableness**

When an in-place family receives an enhanced voucher, the LACDA ensures the rent reasonableness of the proposed gross rent for the family.

**5. Minimum Rent Requirement**

All families who stay in their current unit or move to an appropriate size unit within the same development and receive assistance with an enhanced voucher (whether previously assisted or non-assisted) are subject to a statutory minimum rent. The minimum rent is the amount of rent the family was paying on the date of the conversion action or Section 8 Moderate Rehabilitation owner opt-out. The minimum rent represents the lowest amount the family may pay as their family contribution. Depending on the circumstances, the family may have to pay more than the minimum rent.

**6. Calculating HAP Payments**

When a family with an enhanced voucher remains in-place (or moves to an appropriate size unit within the development) AND the new gross rent exceeds the applicable payment standard and is rent reasonable; the HAP equals the new gross rent for the unit minus the GREATER of:

- 30% of the monthly adjusted family income, or
- 10% of the family gross income, or
- The gross total tenant payment (TTP or family contribution for an assisted family) that the family was paying on the date of the prepayment/termination; i.e. minimum tenant rent.



### **19.2.2 Availability of Appropriate Size Units in the Project**

The over-housed family must move to an appropriate size unit or suitable (smaller than the unit the family currently occupies but no smaller than the unit size the family qualifies for) in the project if one is available in order to receive enhanced voucher assistance. The enhanced voucher housing assistance payment calculation is based on the gross rent of the appropriate size unit.

### **19.2.3 No Appropriate Size Units Currently Available in the Project**

If there is no appropriate or suitable size unit currently available for the family in the project, the LACDA executes a HAP contract on behalf of the family for the oversized unit, provided the rent is reasonable and the unit complies with all other program requirements such as the housing quality standards.

The enhanced voucher housing subsidy calculation is based on the gross rent for the oversized unit. The subsidy calculation will continue to be based on the gross rent (including subsequent rent increases) for the oversized unit until an appropriate or suitable size unit in the project becomes available for occupancy for the family.

### **19.2.4 Actions when Appropriate Size Units Later Become Available in the Project**

The owner must immediately inform the LACDA and the family when an appropriate or suitable size unit becomes available in the project. When an appropriate or suitable sized unit becomes available, the family residing in the oversized unit must move to the appropriate or suitable sized unit within 30 days from the date of the passed inspection, or within 60-days if an extension was granted (based upon extreme hardship), to continue to receive enhanced voucher assistance. One 30-day extensions may be authorized as a result of an extreme hardship that prevents the family from moving during the initial 30-day period. An extreme hardship includes, but is not limited to, financial hardship, personal illness, the illness or death of a relative (regardless of whether the person is a member of the proposed assisted household), and instances in which the head, spouse or co-head were required to be out of the local area or were otherwise unavailable to move into the available unit. Such matters will be considered on an individual basis and must be supported by verifiable documentation.

The family and owner will enter into a new lease and the LACDA will execute a new HAP contract with the owner for the smaller bedroom size unit. The enhanced voucher subsidy calculation will be based on the gross rent for the smaller bedroom size unit.

If an over-housed enhanced voucher family refuses to move to an available smaller unit, staff will calculate the family's housing assistance payment (HAP) for the oversized unit based on the current applicable voucher subsidy formula using the applicable payment standard. The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.

### **19.2.5 Decrease in Family Size or Change in Family Composition**

If, as a result of a decrease in family size or change in family composition, an enhanced voucher family later becomes over-housed, the same policy regarding

over-housed enhanced voucher families would apply. The family would continue to receive enhanced voucher assistance in the oversized unit until such time that an appropriate or suitable sized unit becomes available for occupancy by the family in the project.

If an over-housed enhanced voucher family refuses to move to the appropriate or suitable sized unit, staff will calculate the family's housing assistance payment (HAP) for the oversized unit based on the current applicable voucher subsidy formula using the applicable payment standard. The family will be responsible for any amount of the gross rent not covered by the housing assistance payment.

If there are more over-housed families than the number of available appropriate or suitable sized units in a project at any given time, the LACDA will require families to move to the appropriate or suitable size unit by prioritizing first according to the families that have been over-housed the longest (by move-in date) and secondly the family's anniversary date (if needed). If the family is unable to move due to a disability and a reasonable accommodation has been approved, we will move to the next household by date of their initial lease.

For families who choose to vacate, the enhanced voucher becomes a regular housing choice voucher and the eligibility requirements policy is the same as for screening regular admissions for the Housing Choice Voucher Program. Families are then also eligible for portability and the minimum rent requirement is no longer applicable.

### **19.3 COVERED HOUSING CONVERSION ACTIONS**

There are two types of housing conversion actions that the property owners can choose: preservation pre-payment or opt-out.

1. Pre-payment date is the date the owner officially "pays off" their HUD-insured mortgage. The property is no longer considered a Project-Based or Affordable Development, and the owner is free to increase rents to market levels. As early as 60 days after this "pre-payment date," the residents are no longer protected by the subsidy or affordable rents.
2. Opt-out is where owners elect to discontinue the existing contract with HUD and no longer desire to participate in any subsidy program. In cases when owners pre-pay either their mortgage loan or opt-out of the Section 8 Housing Assistance, federal law requires that owners provide the tenants with a 1-year notification before the expiration of the Section 8 Contract. The owners are required to give proper notice of intent to pre-pay or opt-out to HUD, a notice of intent to pre-pay loan to California Housing Partnership Office, the Participant City, the local LACDA, and the Legal Aid Foundation. These notifications must be sent at least 1 year in advance, along with the notice of intent to increase the rent with a minimum of 60-day notice to the tenants of such a rent increase.

#### **19.3.1 Family Eligibility for Enhanced Vouchers**

Preservation Prepayment: A family/individual is eligible to receive an enhanced voucher subsidy due to a preservation prepayment in an eligible development on

the effective date of prepayment or voluntary termination of mortgage insurance and is income-eligible on that effective date:

- **The family is an elderly or disabled moderate-income family; (at least 80% but does not exceed 95% of area median income); or**
- The family annual income is low (at or below 80% of area median income) or very low-income (at or below 50% of area median income); or
- A moderate-income family residing in a low vacancy area (3% or less vacancy rate) as determined by the local HUD office; and
- The family resides in the development on the conversion date; and
- The unit is an appropriate size; and passes HQS.

A family not qualified in one of the categories on the effective date of the prepayment/termination is not eligible, regardless of whether the family's income situation changes during the next 12 months.

**Unassisted and Assisted Families:** Both unassisted and assisted families may be eligible for the enhanced voucher subsidy.

- Assisted Families are families residing in the development at the time of the prepayment/termination who currently receive tenant-based rental assistance from a local PHA. These participants must abide by the special provisions of the enhanced vouchers if the family chooses to remain in the unit. Continued residency at the development invokes minimum rent requirements.
- Unassisted Families are families residing in the development at the time of the prepayment/termination and are not current tenant-based voucher recipients.

**Opt-Out:** A family is eligible to receive an enhanced voucher subsidy due to an owner electing not to renew an expiring Section 8 project-based contract (Opt-Out) if:

- The family has an annual income that is at or below 80% of area median income, and
- The family resides in a unit covered by the expiring contract on the date of the expiration, and
- The amount the family pays for gross rent exceeds 30% of their adjusted monthly income as a result of the owner's rent increase, and
- The unit the family presently occupies or chooses to occupy is an appropriate sized unit and passes an HQS inspection.

#### **19.4 DENIAL OF ENHANCED VOUCHER SUBSIDY**

The LACDA may deny a family an enhanced voucher for the same reasons listed for denial of rental assistance in the regular HCV program, including income ineligibility, delinquencies, classification as a lifetime sex offender, or for other criminal activity.

The LACDA must provide a family that is denied assistance an opportunity for an informal review according to Chapter 16 (Informal Reviews/Hearings).

## Chapter 20: MODERATE REHABILITATION PROGRAM

### 20.1 INTRODUCTION

#### [24 CFR §882]

The Moderate Rehabilitation (Mod Rehab) Program was designed in 1978 to be an expansion of the rental certificate program. The rental certificate program was initially amended to permit moderate levels of rehabilitation to upgrade and preserve the housing stock. The rental certificate program required a minimum expenditure of \$1,500 in repairs to meet the program housing quality standards.

After the work was completed, owners entered into a 15-year Housing Assistance Contract with the local Public Housing Agency. Using this 15-year rental certificate contract, the Public Housing Agency helped the owner repay the loan by subsidizing the rents of low-income participants at a higher-than-fair market rate. The contract tied rental subsidies to the building not the participant. Although funding is no longer available for new participants, the Housing Assistance Division continues to administer existing contracts under this program. **Mod Rehab policies and procedures are the same as those of the Housing Choice Voucher program except as otherwise noted. If there is a conflict between program regulations and the Admin Plan, the program regulations have precedence.** For the re-examination process for the participant, see Chapter 12 (Re-Examination). On family obligations, see Section 15.7 Family Obligations. These rulings apply to the Section 8 Certificate Program and the Housing Choice Voucher Program.

### 20.2 THE EXPIRED 15-YEAR CONTRACTS

The 15-year contracts have since expired. HUD has authorized housing authorities to extend expiring Moderate Rehabilitation Contracts under certain conditions. These conditions are as follows:

- The project must have five or more units. If a building has five or more units, but only one of the units is under Moderate Rehabilitation Program then the unit is covered under the contract. The building still qualifies for an extension because the requirement is tied to the project not the contract.
- The owner must be in good standing with the current contract. Examples of non-compliance: on-going non-compliance with the Housing Quality Standard inspections.

### 20.3 REQUESTING AN EXTENSION

The LACDA closely monitors the expiration dates for all Moderate Rehabilitation contracts and sends the owners a letter asking if they would like to request an extension. Owners need to reply immediately to this letter if they wish to extend another year. The extension of the contract is for 1-year. HUD has allowed the LACDA to continue to extend the “extension” contract for another year. This has

been the practice since 1996. However, there is no guarantee that the contracts will continue to be extended in the future.

If an owner does not wish to extend the Mod Rehab Contract for their building, they are under no obligation to extend the contract. Rules governing the Moderate Rehabilitation program require that the owners give their tenants 1-year notice in advance of the expiration of the contract and their intent to opt-out of the program. The families will receive enhanced vouchers and have the right to remain in the units as long as the units are used for rental housing. If the family chooses to vacate the Mod Rehab unit, then the family will be given a Housing Choice Voucher.

If an owner does not provide a family with the required notice, the family is protected as if they were under an assisted tenancy until 1 year from the time the owner actually provides the notice. This means that if the owner elects not to renew the contract and the family chooses to remain in the unit as an unassisted tenant, the owner will be required to accept the family portion of the rent as full payment until he/she has complied with the notification requirement.

#### **20.4 ANNUAL INCREASE FOR THE EXPIRED 15-YEAR CONTRACTS**

The LACDA will send the owner a letter regarding their upcoming expiration date and advise them of their annual increase that may be granted to them providing that they choose to extend their contract. The owner must respond immediately for an extension so that the LACDA can expedite the process to secure funding for the new coming year.

The methodology used to calculate the rent that an owner may be eligible to receive under the renewal contract is different. To determine the rent under the extension contract the LACDA must compare the following three rent analyses:

- Existing contract rents multiplied by the Operating Cost Adjustment Factors (OCAF);
- The Mod Rehab FMR (120% of the existing Fair Market Rents) minus the Utility allowance; and
- Comparable market rents

The rent under the extension contract is based on the lowest of the above three figures. The LACDA will complete this analysis for the building and provide the owner with a copy.

For the participant's re-examination process, see Chapter 12 (Re-Examination). For family obligations, see Section 15.7 Family Obligations. These two rulings apply to the Section 8 Certificate Program and the Housing Choice Voucher Program.

#### **20.5 NON-EXPIRED MOD REHAB CONTRACTS**

For those Mod Rehab contracts that have not reached their 15-year contract, the annual increases may be granted providing:

- The owner submits a proper 60-day notice, prior to the anniversary date, of their rent increase amount to the LACDA.
- The new rent increase does not exceed the annual adjustment factor and comparables justify the increase.
- The unit has passed inspection.

## **20.6 REQUEST TO MOVE**

Since the assistance is attached to the unit and not the participant, assistance will be terminated for participants who relocate from their Mod Rehab unit. Participants who were selected from the Housing Choice Voucher waitlist and have been issued a voucher must submit their proper 30 day notice to their owner and provide a copy to the LACDA prior to vacating their unit. At the time of vacate an owner may claim vacancy loss (see Section 20.13 Owner Claims) waiting lists.

## **20.7 WAITING LIST [24 CFR §882.513]**

The LACDA will use a separate waiting list for each project under the Mod Rehab program. Applicants currently on the tenant-based assistance waiting list will be given an opportunity to place their name on a Mod Rehab waiting list, with their original date and time intact. If a new applicant applies to the tenant-based waiting list, the applicant will be given the opportunity to also place their name on any open Mod Rehab waiting list.

If a Mod Rehab waiting list is opened to the public, it will be advertised on the LACDA's website, along with its admissions preferences, in accordance with HUD fair housing guidelines and using the equal housing opportunity logotype, statement and slogan.

## **20.8 REFERRALS [24 CFR §882.514]**

All assisted units must be leased to families found eligible and referred to the owner by the LACDA from the LACDA's waiting list. Admissions procedures will follow those outlined in Chapter Four of this Plan.

When vacancies occur, the LACDA will refer to the owner one or more appropriate size families on its waiting list.

If the LACDA is unable to refer a sufficient number of interested applicants on the waiting list to the owner within 30 days of the owner's notification to the LACDA of a vacancy, the owner may advertise or solicit applications from income-eligible families and refer them to the LACDA to determine eligibility.

Since the owner is responsible for tenant selection, the owner may refuse any family provided that the owner does not unlawfully discriminate. Should the owner reject a family and should the family believe that the owner's rejection was the result of unlawful discrimination; the family may request the assistance of the LACDA in resolving the issue. If the issue cannot be resolved promptly, the family

may file a complaint with HUD, and the LACDA may refer the family to the next available Moderate Rehabilitation unit.

## **20.9 NEW LEASE PROCESS**

Once the applicant has been determined eligible by the LACDA for the Mod Rehab program, the LACDA will contact the applicant and schedule them for a briefing. After the briefing the applicant will then be referred to the owner for tenancy approval (this includes the owner selection process in Section 20.8 Referrals). Once the tenant is approved by the owner, the LACDA will contact the owner/manager to schedule a new lease inspection.

Upon passing of the initial inspection, the LACDA will contact the owner to obtain the new lease which will include the effective date and security deposit information.

Upon receipt of the signed lease, the LACDA will release the HAP payment to the owner.

## **20.10 PHYSICAL CONDITION AND INSPECTION REQUIREMENTS**

### **[24 CFR §882.404 and §5.705]**

Housing assisted through the Moderate Rehabilitation program must be maintained and inspected in accordance with the requirements in 24 CFR part 5, subpart G.

The LACDA is responsible for conducting a physical inspection of Moderate Rehabilitation program housing annually in accordance with HUD-prescribed physical inspection procedures. The housing is subject to the Lead-Based Paint requirements specified at 24 CFR §882.404(d) and Chapter 10. Housing Quality Standards and Inspections.

## **20.11 SECURITY DEPOSITS**

### **[24 CFR §882.414]**

If at the time of the initial execution of the lease the owner wishes to collect a security deposit, the maximum amount shall be the greater of one month's Total Tenant Payment or \$50. For units leased in place, security deposits collected prior to the execution of a Contract which are in excess of this maximum amount do not have to be refunded until the family vacates the unit subject to the lease terms. The family is expected to pay security deposits and utility deposits from its resources and/or other public or private sources.

## **20.12 OVERHOUSED AND UNDERHOUSED TENANTS**

### **[24 CFR §882.509]**

If the LACDA determines that a unit is not decent, safe, and sanitary by reason of an increase in family size or that a unit is larger than appropriate for the size of the family according to the LACDA's occupancy standards, housing assistance payments with respect to the unit will not be abated.

The owner must offer the family an appropriate size unit should one be available and the family will be required to move. If the owner does not have a suitable



available unit, the LACDA will assist the family in locating other standard housing in the area within the Family's ability to pay. The family will be required to move to such a unit as soon as possible.

In no case will a family be forced to move nor will housing assistance payments under the Contract be terminated unless the family rejects, without good reason, the offer of a unit which the LACDA judges to be acceptable.

**20.13 TERMINATION OF TENANCY**  
**[24 CFR §882.511]**

The must not terminate or refuse to renew a family's lease, except on the following grounds:

- (1) Serious or repeated violation of the terms and conditions of the lease.
- (2) Violation of applicable Federal, State or local law.
- (3) Other good cause.

**20.13.1 Notice of Termination of Tenancy**

The Owner must serve a written notice of termination of tenancy on the family which states the date the tenancy shall terminate. Such date must be in accordance with the following:

- (i) When termination is based on failure to pay rent, the date of termination must be not less than five working days after the family's receipt of the notice.
- (ii) When termination is based on serious or repeated violation of the terms and conditions of the lease or on violation of applicable Federal, State or local law, the date of termination must be in accordance with State and local law.
- (iii) When termination is based on other good cause, the date of termination must be no earlier than 30 days after the notice is served on the family.

The notice of termination must:

- (i) State the reasons for such termination with enough specificity to enable the family to prepare a defense.
- (ii) Advise the family that if a judicial proceeding for eviction is instituted, the tenant may present a defense in that proceeding.
- (iii) Be served on the family by sending a prepaid first class properly addressed letter (return receipt requested) to the tenant at the dwelling unit or by delivering a copy of the notice to the dwelling unit.

**20.13.2 Continuation of Housing Assistance Payments**

A family's eligibility for Housing Assistance Payments shall continue until the Total Tenant Payment equals the gross rent. The termination of eligibility for HAP at such point will not affect the family's other rights under its lease, nor will such termination preclude the resumption of payments as a result of later changes in income, rents or other relevant circumstances during the term of the Contract.

**20.14 OWNER CLAIMS**

Under the Moderate Rehabilitation Program, owners may make a special claim for damages, unpaid rent, and vacancy loss after the tenant has vacated the unit. Owner claims for payment for unpaid rent, damages, or vacancy loss will be reviewed for accuracy and completeness and compared with records in the file. The LACDA establishes standards by which to evaluate claims, but the burden of proof rests with the owner.

If vacancy loss is claimed, the LACDA will ascertain whether the family gave proper notice of its intent to move. The file will also be reviewed to verify owner compliance at the time the contract was terminated.

The LACDA will pay properly filed claims to the owner as a function of the contract; however, any amount paid to the owner by the tenant will be reimbursed to the LACDA from the owner.

**20.14.1 Unpaid Rent  
[24 CFR §882.414 (d)]**

Unpaid rent only applies to the tenant's portion of rent while the tenant is in residence under the assisted lease and only until the termination date of the HAP contract.

Separate agreements are not considered a tenant obligation under the lease and the LACDA will not reimburse the owner for any claims under these agreements.

**20.14.2 Vacancy Loss  
[24 CFR §882.411]**

Vacancy loss under the Mod Rehab Program is paid if an eligible family moves from the assisted unit, unless the move was a consequence owner action in violation of the lease or contract..

In order to claim vacancy loss, the unit must be available for lease and the landlord must:

1. Notify the LACDA within 72 hours upon learning of the vacancy, or prospective vacancy, and
2. The LACDA will require documentation from the owner that the owner pursued all possible activities to fill the vacancy, including, but not limited to:
  - Not rejecting potentially eligible applicants except for good cause acceptable to the LACDA; or

- Providing a list of income-qualified applicants to the LACDA in the case where the LACDA's waiting list cannot provide sufficient eligible applicants for the unit. The owner must document that attempts to find eligible applicants, such as:
  - Contacting applicants on the owner's waiting list, if any;
  - Advertising the availability of the unit.

When a tenant moves, the landlord may claim vacancy loss for the amount of Housing Assistance Payment (HAP) the owner was entitled to for the rest of the month in which the tenant vacated. Additionally, the owner may receive HAP in an amount not to exceed 80% of the contract rent for an additional month. However, if the owner collects any of the family's share of the rent for this period, the payment must be reduced to an amount which, when added to the family's payment, does not exceed 80 percent of the Contract Rent. Any such excess must be reimbursed by the owner to the LACDA.

In the event that a unit becomes vacant because of death, the LACDA will permit the owner to keep the HAP for the month in which the tenant died, but will pay no further HAP.

### **20.14.3      Damage Claims**

To ensure valid claim processing, the LACDA will conduct a thorough move-in inspection noting conditions as well as HQS deficiencies, take pictures of questionable items, and send a report of all items to the owner and tenant.

The owner must be present during the move-out inspection and only damages claimed by the owner are reimbursable.

All claims for damages must be supported by the actual bills for materials and labor and a copy of the canceled checks or other receipts documenting payment. Estimates are accepted at the discretion of the LACDA depending upon the nature of the work to be done.

Bills from individuals providing labor must include their name, Social Security number, address and phone number. The owner may not bill himself/herself for labor since that is not considered by the LACDA to be an "actual cost". However, the actual cost of the owner's employees' labor, such as the resident manager, to make repairs may be included.

Persons making repairs or replacements must be licensed to do business in Los Angeles County.

Reasonableness of costs will be based on practices consistent with industry standard.

The LACDA may require verification of purchase date, quality, and price of replaced items in order to calculate depreciation.

Claims for unpaid utility bills cannot be approved as part of a claim.

Claims for normal wear and tear, previously existing conditions, routine turnover preparation, and cyclical interior painting are not paid.

The LACDA will inspect the unit to verify that repairs were made.

#### **20.14.4 Move-Out and Close-Out Inspections**

Move-out (vacate) inspections are performed for the Mod Rehab Program after the tenant has vacated the unit. These inspections are performed by Program Specialists/Inspectors to assess the condition of the unit, not to evaluate the HQS.

The owner must notify the LACDA of the move-out and request an inspection within 5 calendar days of learning of the move-out, or contract termination, whichever is first, in order to submit a claim for damages.

If the contract was terminated due to owner breach, or the owner was in violation of the contract at the time that it was terminated, there will be no entitlement to claims and therefore no inspection.

The owner and tenant will be notified of the date and time of the inspection. If the owner is not present, the move-out inspection will not be rescheduled.

The LACDA will conduct a move-out inspection on the tenant's request.

In the event that the LACDA is unable to inspect within 10 calendar days, the owner will be permitted to use date-stamped photographs to substantiate the claim.

#### **20.14.5 Processing Claims [24 CFR §882.414]**

Any amount owed by the tenant to the owner for unpaid rent or damages will first be deducted from the maximum security deposit that the owner could have collected under the program rules. If the maximum allowable security deposit is insufficient to reimburse the owner for the unpaid tenant rent or other amounts which the family owes under the lease, the owner may request reimbursement from the LACDA for the lesser of:

1. The remainder of the amount owed to the owner; or
2. Two months' contract rent minus the greater of the actual amount of the security deposit collected or the maximum amount of security deposit that could have been collected. However, no reimbursement may be requested for unpaid rent after the period in which the family vacates the unit.

#### **20.14.6 Other Requirements for Claims Processing**

- The LACDA will require proof that the owner has complied with State and local laws applicable to security deposits before making payment on any claim.
- All notices to tenants during the processing of a claim must include proof of mailing or of personal delivery.
- Costs of filing eviction to remove the tenant or any other legal fees, shall not be reimbursed.

All unpaid rent, damage, and vacancy loss claim forms must be fully complete when they are submitted, and they must be submitted within 30 calendar days of the date the owner learned of the move-out.

## **Chapter 21:**

### **PROJECT-BASED VOUCHER PROGRAM**

#### **21.1 INTRODUCTION** **[24 CFR §983.5 and §983.2]**

The Project-Based Voucher (PBV) program is administered by Public Housing Agencies (PHA's) who also administer the tenant-based Housing Choice Voucher program under an Annual Contributions Contract (ACC) with HUD. PBV is assistance that is tied directly to a unit in an approved project, unlike the Housing Choice Voucher program, where assistance is tied to the participant. HUD permits PHA's to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance. The policies regarding the Housing Choice Voucher program apply to the PBV program, except where they are specifically altered in this chapter.

In administering the Project-Based Voucher program, LACDA's goals are to:

- Attract more affordable developments to the LACDA's jurisdiction;
- Preserve affordable units that might otherwise become market-rate units;
- Increase affordability of housing for families making below 30% of the area median income;
- Further HUD and LACDA goals of deconcentration; and
- Increase housing opportunities for target populations (ex. Elderly, Disabled, Chronically Homeless, Special needs families, Transition aged youth)

The LACDA may enter into contracts for Project-Based Vouchers based on the policies outlined in this chapter.

#### **21.2 LEVEL OF ASSISTANCE** **[24 CFR §983.6; FR Notice 1/18/2017]**

The LACDA will operate a project-based voucher program using up to 20% of the authorized units for Project-Based Vouchers.

When PBV units are already selected for project-based assistance either under an agreement to enter into HAP contract or a HAP contract, the LACDA is not required to reduce the number of the units if the amount of authorized units is subsequently reduced. However, the LACDA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, regardless of whether the LACDA has vouchers available for project-basing.

##### **21.2.1 Additional project-based units** **[FR Notice 1/18/2017; Notice PIH 2017-21]**

As permitted, LACDA may project-base an additional 10 percent of its vouchers above the 20 percent program limit. The vouchers may be distributed among one, all, or a combination of the categories as long as the total number of vouchers does not exceed the 10 percent cap. Vouchers under this requirement will be tied to units that qualify under this exception only if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran. A veteran means an individual that has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR §5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

**Impact on Existing Contract.** PBV units that fall into one of the four categories listed above may be covered by this 10 percent exception authority only if the units are covered under a HAP contract that was first executed on or after April 18, 2017. Units added on or after April 18, 2017, through an amendment of a HAP contract that was first executed prior to April 18, 2017, are not eligible for the 10 percent exception authority.

### **21.2.2 Units Not Subject to the PBV Program Limitation** **[FR Notice 1/18/2017; Notice PIH 2017-21]**

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count towards the 20 percent limitation when the PBV assistance is attached to them.

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. The unit must be covered under a PBV HAP contract that first became effective on or after April 18, 2017.

### **21.3 HUD NOTIFICATION OF INTENT TO PROJECT-BASE**

The LACDA must notify HUD of its intent to project-base its vouchers. The LACDA must submit to the local HUD Office the following information:

- The number of units authorized under the ACC for LACDA;
- The number of PBV units entirely excluded from the percentage limitation;
- The number of units qualifying under the 10 percent program cap exception category;
- The number of units currently committed to PBV (excluding those PBV units meeting an exception). To arrive at the “number of units committed to PBV,” total the number of units that are:
  1. Currently under PBV HAP contract;
  2. Under an Agreement to Enter into HAP contract (AHAP); and/or
  3. Covered by a notice of proposal selection (24 CFR §983.51(d)); and

- The number of units to which the LACDA is proposing to attach project-base assistance through the new Request for Proposal (RFP) or selection.

The above information must be submitted no later than 14 calendar days prior to undertaking any of the following actions:

- Issuing a request for proposal (RFP) (24 CFR §983.51(b)(1));
- Selecting a project based on a previous competition (24 CFR §983.51(b)(2));
- If applicable, selecting a project without following a competitive process (certain PHA-Owned projects).

The LACDA must await a response from HUD prior to proceeding with the proposal.

#### **21.4 OWNER PROPOSAL SELECTION PROCEDURE** **[24 CFR §983.51]**

The LACDA may use one of the following methods to select owner proposals:

1. Request for Proposal (RFP): The LACDA may issue a competitive request for PBV proposals. An RFP may not be limited to a single site and may not impose restrictions that practically preclude owner submission of proposals for PBV on different sites.

The LACDA will publish an RFP in at least one newspaper of general circulation, as well as post the RFP on the LACDA's website. The submission deadline will be included in the RFP and a detailed application and selection criteria will be provided to all interested parties.

2. At the discretion of the LACDA, projects may be selected for PBV assistance using proposals for housing developed using federal, state, or local government housing assistance, community development, or a supportive services program that requires competitive selection of proposals (e.g., HOME, competitively-awarded Low-Income Housing Tax Credit, Affordable Housing Trust Funds), where the proposal has already been selected in accordance with such program's competitive selection requirements within three years of the LACDA's PBV selection date, and the earlier selection proposal did not involve any consideration that the project would receive PBV assistance.

Once a project is selected to receive PBV assistance, the LACDA will give public notice within 60 days of its selection on its website at [www.lacda.org](http://www.lacda.org).

##### **21.4.1 Units Selected Non-Competitively**

###### **[FR Notice 1/18/2017 and PIH Notice 2017-21]**

Project-based assistance for Housing Authority-owned properties will not be competitively bid. To project-base Housing Authority-owned units, the LACDA must be engaged in an initiative to improve, develop, or replace a public housing property or site. The LACDA can make project-based funding available in its owned properties in response to a written request. A separate request is required per property and must include the following: name and address of the

property; the total number of units; requested number of units project-based vouchers, number of vouchers requested per unit size (including square footage for SRO's), proposed rent per unit size, population to be served, and name, title and contact information for the project liaison. An original signature from the Department Director or authorized delegate is required on the written request. E-mailed and/or faxed requests will not be accepted.

**21.5 HOUSING ELIGIBLE FOR ASSISTANCE**  
**[24 CFR §983.52 AND §983.53]**

The LACDA will consider proposals for existing, newly constructed, and rehabilitated housing.

The following types of housing are ineligible under the Project-Based Voucher Program:

- Shared housing;
- Units on the grounds of a penal, reformatory, medical, mental, or similar public or private institution;
- Nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care, except an assisted-living facility that provides home health care services such as nursing and therapy for residents of the housing;
- Units owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution;
- Manufactured homes; and
- Transitional Housing;
- Units occupied by owners; and
- Units occupied by ineligible families.

PBV assistance may not be attached to units for which construction or rehabilitation has started after the proposal submission and prior to the execution of an AHAP.

A member of a cooperative who owns shares in the project assisted under the PBV program is not to be considered an owner for purposes of participation in the PBV program.

**21.6 CAP ON NUMBER OF PBV UNITS IN EACH PROJECT**  
**[24 CFR §983.56]**

The LACDA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.



**21.6.1 Exception to 25 Percent per Project Cap  
[24 CFR §983.56 and PIH Notice 2017-21]**

As of April 18, 2017, units are not counted against the 25 percent per project cap if:

- The units are exclusively for elderly families.
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project.
- If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of units in the project.

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services

Projects where the caps were implemented prior to HOTMA (HAP Contracts were executed prior to 04/18/2017) must continue to use the former exceptions until the project's HAP contract under the old requirements is renewed or unless the PHA and owner agree to amend the conditions of the HAP contract. However, the LACDA will not make changes to a HAP contract if it is determined that the change would jeopardize an assisted family's eligibility for continued assistance in the project.

**21.6.2 Supportive Services – HOTMA**

As of 04/18/2017, the project and LACDA must make supportive services available to all families receiving PBV assistance in the project, but the families does not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the supportive services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible.

If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

The LACDA will not require families living in excepted units to receive supportive services. Families will be offered the opportunity to enroll in either LACDA's FSS program or other Supportive Services Program offered through the project, as a condition of occupancy.

Supportive Services offered include, but are not limited to:

- LACDA's Family Self-Sufficiency (FSS) program;
- Case Management

- Mental Health Care
- Substance Use Services
- Employment and Training
- Education program where there is a reasonable expectation of leading to self-sufficiency
- Life Skills
- Physical Health Care
- Benefits Assistance
- Representative Payee
- Legal Assistance
- Child Care (if applicable)
- Adult Day Care

### **21.6.3 Pre HOTMA Projects**

Projects under HAP contract in effect prior to April 18, 2017, remain obligated by the terms of those HAP contracts with respect to the requirements that apply to the number and types of excepted units in a project, unless the owner of the project and LACDA mutually agree to change those requirements.

The LACDA and owner may agree to change such HAP contract requirements as it pertains to the exception categories of elderly families and families eligible for supportive services. The LACDA and owner must not change the terms of an existing HAP contract to add a new category of excepted unit.

The PBV contract may not be changed to conform with the HOTMA requirement if the change would jeopardize an assisted family's eligibility for continued assistance at the project (e.g. the excepted units at the project include units designated for families with a household member with disabilities, and changing to the HOTMA standard would result in those units no longer being eligible as excepted units unless the owner makes supportive services available to all assisted families in the project).

A HAP contract may be amended, at LACDA's discretion, to add additional PBV units in the same project. The LACDA may use this amendment process to add units where applying the new project cap definition results in more PBV units. HOTMA overrides existing regulation so that new units may be added at any time during the term of the HAP contract without being subject to competitive selection procedures. All other requirements of 24 CFR §983.207(b) must be met, including not exceeding the 20 percent program cap.

### **21.6.4 Supportive Services – Pre-HOTMA Projects**

For projects using the former supportive services statutory exemption (which required that the family be receiving the supportive services) and/or the exemption for families with a household member with disabilities, the LACDA and the owner will continue to operate under the pre-HOTMA requirements and will continue to renew HAP contracts under the old requirements, unless the LACDA and the

owner agree by mutual consent to change the conditions to conform with the HOTMA requirement.

#### **21.6.5 Qualifications for Supportive Services – Pre HOTMA Projects**

It is not necessary that the supportive services be provided at or by the project.

At least one member of the family must be receiving the supportive service for the unit to remain excepted from the 25% cap.

Participation in medical- or disability-related services is not required as a condition of living in an excepted unit, other than a substance use treatment program for the member of the family with the substance misuse disorder, although such services may be offered.

#### **21.6.6 Supportive Services Monitoring – Pre HOTMA Projects**

Participant compliance with a supportive service contract will be monitored at least annually. The LACDA will request a status update for the participant's supportive service contract at the anniversary of said contract. The LACDA may request a status update on the supportive service contract more frequently, at its discretion.

Providers of supportive services must provide the LACDA any changes to the program within thirty days of when those changes occur. Providers must also immediately report to the LACDA when a family fails to meet the supportive service contract requirements.

#### **21.6.7 Failure to Meet Supportive Service Requirements – Pre HOTMA Projects**

When a family living in an excepted unit fails to meet the requirements of a supportive service contract, and is living in the excepted unit because of the supportive services received, the LACDA will propose termination of the contract. The family will not be issued a voucher to move.

The owner and participant will be given a sixty-day notice of the proposed termination of the HAP contract. The owner may at that time terminate the lease and issue an order to vacate by the HAP contract termination date.

If a family fails to meet the requirements of the supportive service contract for good cause, as determined by the LACDA, and is qualified to become reinstated in the supportive service program within a reasonable time period, the LACDA may counsel the family on its obligations and allow reinstatement of the supportive service contract.

### **21.7 PROJECT SELECTION CRITERIA** **[24 CFR §983.57]**

The following criteria will be considered when evaluating proposals for Project-Based Voucher assistance:

1. Housing that serves homeless families;
2. Housing that serves disabled families or individuals;

3. Housing that serves elderly families or individuals;
4. Housing that serves families with children, consistent with the needs indicated by the LACDA's waiting list; and/or
5. Other documented needs
6. Serving very low-income families in mixed-income projects;
7. Other appropriate criteria consistent with regulation.
8. Housing that provides an appropriate level of supportive services to residents;
9. Housing that serves low- to extremely low-income families for the life of the project;
10. Other criteria consistent with regulation.

#### **21.7.1 Selection Requirements for All PBV Assisted Proposals**

Eligible projects must meet the following LACDA requirement:

If any portion of a proposed new construction development site is within 500 feet of a freeway, the project must be designed in such a way as to exclude from this 500-foot freeway "buffer" area any portion of the residential building, as well as play areas, community rooms, gardens, patios, and other areas where residents may reasonably be expected to congregate. The LACDA shall review and approve, at its sole discretion, any site plans for developments of this type.

#### **21.7.2 Selection Requirements for All Housing Types**

A project may be selected to receive PBV assistance only if it is or will be located in a census tract that meets one of the following criteria:

- (i) A HUD-designated Enterprise Zone, Economic Community or Renewal Community;
- (ii) The concentration of assisted units will be or has decreased as a result of public housing demolition;
- (iii) Is undergoing significant revitalization;
- (iv) State, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- (v) New market rate units are being developed that will positively impact the poverty rate in the area;
- (vi) Meaningful opportunities for educational and economic advancement exist.

Additionally, the site must be suitable in terms of furthering and facilitating all Fair Housing requirements.

The site must also meet the HQS site and neighborhood standards found in section 10.3.11 of this Plan.

**21.7.3 Requirements for Selecting Existing and Rehabilitated Housing**  
**[24 CFR §983.151]**

The LACDA will only select existing and rehabilitated housing projects that meet the following criteria:

- (1) The site is adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets must be available to service the site. (The existence of a private disposal system and private sanitary water supply for the site, approved in accordance with law, may be considered adequate utilities.)
- (2) Promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- (3) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (4) Be so located that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive. This requirement does not apply to senior projects.

**21.7.4 Requirements for Selecting New Construction Housing**

The LACDA will select only new construction housing projects that meet the following criteria:

- (1) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas, and electricity) and streets must be available to service the site.
- (2) The site must not be located in an area of minority concentration, except as permitted under number (3) of this section.
- (3) A project may be located in an area of minority concentration only if:
  - (i) Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration;
    - a. Application of this sufficient, comparable opportunities standard involves assessing the following factors:
      - i. Significant number of assisted housing units is available outside areas of minority concentration.
      - ii. There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
      - iii. There are racially integrated neighborhoods in the surrounding area.

- iv. Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
  - (v) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.
  - (vi) The project is necessary to meet overriding housing needs that cannot be met in that housing market area.
    - 1. Application of the “overriding housing needs” criterion may permit approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).
    - 2. An “overriding housing need,” may not serve as the basis for determining that a site is acceptable, if the basis for the decision is that discrimination related to race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.
- (4) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas poverty concentration.
- (5) The neighborhood must not be seriously detrimental to family life or one in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.
- (6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.
- (7) Except for new construction housing designed for elderly persons, travel time, and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

**HOTMA Changes to Definitions of PHA-owned Housing and Use of Independent Entities [24 CFR §983.51(e), §983.59, FR-5976-N-03 and PIH Notice 2017-21]**

Definition of PHA-owned units: A unit in a project that is:

- (a) Owned by the PHA (including a controlling interest in the entity that owns the unit)
- (b) Owned by an entity controlled by the PHA

(c) Owned by an LLC or LP in which the PHA holds a controlling interest in the managing member or general partner

Controlling interest means:

- (a) Holding more than 50% of the stock of any corporation; or
- (b) Having the power to appoint more than 50% of the members of the board of directors of a non-stock corporation (such as a non-profit corporation); or
- (c) Where more than 50% of the members of the board of directors of any corporation also serve as directors, officers, or employees of the PHA; or
- (d) Holding more than 50% of all managing member interests in an LLC; or
- (e) Holding more than 50% of all general partner interests in a partnership; or
- (f) Having equivalent levels of control (more than 50%) in other ownership structures

A unit is not considered to be PHA-owned when:

- (a) The PHA holds a fee interest as ground lessor of the property (land) but not in the building itself
- (b) The PHA holds only a security interest under a mortgage or deed of trust on the unit; or
- (c) The PHA has only a non-controlling interest in an entity that owns the unit

If a unit is PHA-owned as defined above, the PHA must establish a separate legal entity to serve as the owner. Such entity may be a non-profit affiliate of the PHA, LLC, LP, corporation or other legally acceptable entity recognized under State law. Such entity would serve as the owner for purposes of execution of the HAP contract. The PHA and independent entity shall submit a joint certification to the HUD Field Office prior to performing any of the functions listed below, certifying that the PHA and independent entity have no legal, financial, or other connection that would create a bias. A unit of government at a level higher than the LACDA may perform these functions without HUD approval.

The independent entity must perform the following functions:

- Review the PHA's PBV selection process (May also be conducted by HUD Field Office)
- Establish contract rents and determine rent reasonableness
- Provide a copy of the rent reasonableness determination to the PHA and HUD Field Office
- Establish the term of the HAP Contract and any extensions if applicable
- Inspect the units

- Provide a copy of the inspection report to the PHA and HUD Field Office

## **21.8 AGREEMENT TO ENTER INTO THE HAP CONTRACT** **[24 CFR §983.152]**

If a rehabilitated or newly constructed project, as defined by regulation, is selected by the LACDA to receive Project-Based Vouchers, the LACDA will enter into an Agreement to enter into a Housing Assistance Payment (AHAP) contract with the owner in the form required by HUD.

In the AHAP, the owner agrees to develop the contract units to comply with HQS, and the LACDA agrees that, upon timely completion of the development in accordance with the terms of the AHAP, the LACDA will enter into a HAP contract with the owner for the contract units.

The LACDA may not pay or enter into an agreement if commencement of construction or rehabilitation occurs after proposal submission. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing. Commencement of construction occurs when excavation of site preparation (including clearing of the land) begins.

Delays in completion of rehab/construction may result in termination of the agreement.

The PHA may extend the completion deadline for unforeseen factors outside of the owner's control.

The owner must obtain the PHAs approval for any changes in work. If the owner does not do so, the PHA may set a lower initial rent.

### **21.8.1 Subsidy Layering Review (SLR)** **[24 CFR §983.55]**

The LACDA may only provide assistance in accordance with HUD subsidy layering regulations and other requirements.

A subsidy layering review will not be required to enter into an agreement or to execute a contract between the LACDA and the owner when a project has not received any form of government housing assistance, other than the PBV assistance.

A subsidy layering review is required for any new construction or rehabilitation project receiving a form of government housing assistance in addition to project-based vouchers. The LACDA will not enter into an AHAP with the owner until the project has successfully passed a subsidy layering review by HUD or other HUD-approved agency

The owner must certify in the HAP contract that the project has not received and will not receive any other form of public assistance during the life of the HAP contract other than that disclosed in the subsidy layering review.

### **21.8.2 Environmental Review** **[24 CFR §983.58]**



The Project Based Voucher program is subject to National Environmental Policy Act environmental review pursuant to the requirements at 24 CFR Part §983.58 and 24 CFR Part 58.

If it is determined that an environmental review is required for new construction or rehabilitation projects, the LACDA will not commit any funds under PBV assistance nor enter into an AHAP with the owner until HUD approves a release of funds.

## **21.9 SELECTION OF PARTICIPANTS [24 CFR §983.251]**

The LACDA will only provide PBV assistance to families determined eligible, consistent with Chapter Two of this Plan.

### **21.9.1 Waiting List**

The LACDA will use a separate waiting list for each project receiving Project-Based Voucher assistance or sets of units within a project if there are multiple eligibility restrictions for special needs populations.

If applicable, projects receiving Project-Based Voucher or Project-Based VASH assistance are required to use a Coordinated Access System to identify and refer 80 percent of its eligible applicants for the project's waiting list.

Applicants currently on the tenant-based assistance waiting list will be given an opportunity to place their name on a PBV waiting list, with their original date and time intact. If a new applicant applies to the tenant-based waiting list, the applicant will be given the opportunity to also place their name on any open PBV waiting list.

Upon admission to the PBV program, the applicants name will be removed from any other project-based voucher waiting lists that the applicant has applied for.

### **21.9.2 Protection of In-Place Families**

Families who reside in units selected to receive PBV assistance on the proposal selection date and who are also eligible in accordance with Section 2.2 of this Plan, will be given the opportunity to place their name on the appropriate PBV site-based waiting list. An absolute preference will be given to that family to be selected from the waiting list. If the family is then determined fully eligible for the PBV program under all LACDA eligibility criteria, the family will then be referred to the owner for an appropriately-sized unit in the project.

### **21.9.3 Local Preferences**

Applicants on any PBV waiting list are subject to the system of local preferences as it pertains to that particular waiting list. PBV site-based waiting lists will have admissions preferences that reflect the target population of each project.

When PBV buildings are selected, the LACDA will publicly notice the selection, as well as the target population of each project. As new waiting lists are opened, a notice will be sent to the Housing Choice Voucher (Section 8) tenant-based waiting list identifying available site-based PBV lists and their respective admissions

preferences. If a site-based waiting list is opened to the public, it will be advertised on the LACDA's website, along with its admissions preferences.

Disabled families who need an available accessible unit at a particular project may be awarded first preference from the waiting list.

Disabled families may not be required to accept the supportive services offered nor can a preference be granted for those with a particular disability.

#### **21.9.4 Refusal of Assistance**

If a family refuses an offer of PBV assistance or the owner rejects a family for admission to the owner's PBV units, the LACDA may remove the family from the site-based waiting list from which they were selected. Such refusal will not affect the family's position on the tenant-based waiting list or any other PBV site-based waiting list, nor affect any admissions preference for which the family qualifies.

### **21.10 INFORMATION FOR ACCEPTED FAMILIES** **[24 CFR §983.252]**

When a family accepts an offer of PBV assistance, the LACDA will provide the family an oral briefing. Attendance at this briefing is mandatory. The briefing will include:

- A description of how the program works;
- Family and owner responsibilities.

A briefing packet will be provided with information regarding:

1. How the LACDA determines total tenant payment;
2. Family obligations; and
3. Applicable fair housing information.

### **21.11 LEASING OF CONTRACT UNITS** **[24 CFR §983.253]**

Owners must lease contract units only to eligible families, selected and referred by the LACDA's from the waiting list, during the term of the HAP contract.

Owners must develop written tenant selection procedures consistent with the purpose of improving housing opportunities for very low-income families, related to program eligibility and an applicant's ability to perform lease obligations.

An owner must promptly notify, in writing, any rejected applicant of the grounds for rejection.

Owners must follow the LACDA's subsidy standards when leasing units to referred families.

### **21.12 VACANCIES** **[24 CFR §983.254]**

The owner must promptly notify the LACDA of any current or expected vacancy in a contract unit. After owner notice, the LACDA will promptly refer a sufficient number of families to the owner to fill the vacancy.

If any contract unit has been vacant for at least 120 days since the owner notice of vacancy, the LACDA may give notice to the owner amending the HAP contract to reduce the number of contract units by the number of units that have been vacant for that period.

**21.13 TENANT SCREENING**  
**[24 CFR §983.255]**

The LACDA may take into consideration any admission criteria outlined in Chapter Two of this Plan in order to screen applicants for eligibility; however, it is the responsibility of the owner to screen applicants for behavior and suitability for tenancy.

The LACDA will provide the owner with the tenant's current and former address, as well as the name and address of the current and/or former landlord, if known. This policy is consistent with information provided to owners under the Housing Choice Voucher program.

**21.14 HOUSING ASSISTANCE PAYMENTS CONTRACT**

The LACDA must enter into a Housing Assistance Payments (HAP) contract with the owner in order to provide housing assistance payments for eligible families. The LACDA will make housing assistance payments to the owner in accordance with the HAP contract, for contract units leased and occupied by eligible families during the term of the HAP contract.

The LACDA will use the most recent HUD-approved form of the HAP contract.

**21.14.1 Execution of the HAP Contract**  
**[24 CFR §983.204, 24 CFR §983.209]**

Before the HAP contract may be executed, the LACDA will inspect each contract unit in accordance with section 21.15 of this chapter and Chapter Ten of this Plan.

For existing housing, the HAP contract must be executed within 90 days of passed inspections for all proposed units under the HAP contract.

For new construction or rehabilitated housing, the HAP contract is executed within 60 days after the LACDA has inspected the completed units and is satisfied that said units are completed in accordance with the AHAP and the owner has furnished the required evidence of completion.

By execution of the HAP contract, the owner certifies:

- The owner is and will maintain all contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and in the leases with assisted families;

- Each contract unit is leased to an eligible family and the lease complies with the HAP contract and HUD requirements;
- Members of the assisted family reside in the contract unit and it is their only residence;
- The owner is not a relative of any member of the assisted family by blood or operation of law;
- The amount of the housing assistance payment is the correct amount due under the HAP contract;
- The rent to owner for each contract unit does not exceed the rent due to owner for any comparable, unassisted unit;
- The owner will not receive any other payments beyond the tenant rent and housing assistance payments for the contract unit; and
- The family does not own or have any interest in the contract unit.

**21.14.2 Term of the HAP Contract**  
**[24 CFR §983.205 and PIH Notice 2017-21]**

As of April 18, 2017, the LACDA may enter into a new HAP contract with an owner for an initial term of up to twenty years. The length of the initial term of the HAP contract may not be less than one year.

For any PBV HAP contract that is still within the initial term, the LACDA and owner may mutually agree to extend the contract for up to the maximum initial term of 20 years. If the HAP contract is no longer in the initial term, the LACDA will not extend the initial term.

The LACDA may further extend the HAP contract beyond 20 years from the end of the initial term as long as the following conditions are met:

- The LACDA must determine such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities;
- The determination must be made no earlier than 24 months prior to the expiration of the HAP contract.
- The term of the new extension may not exceed 20 years.

Regardless of the length of the extension, all such extensions must meet the same conditions.

The HAP contract may be terminated by the LACDA for insufficient funds. If it is determined there are insufficient funds available to continue to assist all contract units for the full term, the LACDA may give notice to the owner for all or any of the contract units, in accordance with HUD instructions.

**21.14.3 Amendments to the HAP Contract**  
**[24 CFR §983.207]**

**Amendment to Substitute Contract Units** – The LACDA may amend the HAP contract to substitute a different unit with the same number of bedrooms in the

same building for the previously assisted unit. Prior to the substitution, the LACDA will inspect the proposed substitution unit and determine reasonable rent.

**Amendment to Add Contract Units** – At the discretion of the LACDA and provided the number of PBV-assisted units in a project will not exceed the 25% cap or the 20% budget authority for the PBV program, the HAP contract may be amended during the three-year period immediately following the execution date of the HAP contract to add additional PBV units to a building.

If there are already exception units (units in excess of the 25% cap) designated in the HAP contract, the contract may be amended during the same three year period to add additional exception units, provided that the addition does not exceed the 20% budget authority.

The anniversary and expiration date for the added units in either situation will be the same as for the existing units under the HAP contract.

**21.14.4 Termination of the HAP Contract by the LACDA**  
**[24 CFR §983.205(c) and FR Notice 1/18/2017]**

The HAP Contract provides that the term of the PHA's contractual agreement is subject to the availability of sufficient appropriated funding as determined by HUD or the PHA in accordance with HUD instruction. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that the PHA first take all cost-saving measures prior to failing to make payments under existing PBV HAP Contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP Contract, the PHA may terminate the HAP contract by notice to the owner.

As such, the LACDA will implement the HAP Contract termination in accordance with HUD instructions.

**21.14.5 Termination of the HAP Contract by the Owner**  
**[24 CFR §983.205(d)]**

If in accordance with program requirements the amount of rent to an owner for any contract is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to LACDA. In such cases, families living in the contracted units must be offered tenant-based assistance.

**21.14.6 Statutory Notice Requirements - Contract Termination or Expiration**

**[24 CFR §983.206; FR Notice 01/18/2017; and Notice PIH 2017-21]**

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the LACDA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If

the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advanced notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. The LACDA must provide the family with a voucher and the family must also be given the option by the LACDA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness if the gross rent exceeds the applicable payment standard. The family has a right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration of the PBV HAP contract are not new admissions to the HCV tenant-based program, and are not subject to income eligibility requirements or any other admissions requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

#### **21.15 HOUSING QUALITY STANDARDS (HQS) INSPECTIONS** **[24 CFR §983.103]**

HQS inspections will be conducted in accordance with Chapter Ten of this Plan. The LACDA may not perform inspections on units where there is a direct or indirect interest by any of its employees or officers.

The LACDA will inspect PBV units at the following times:

- Pre-selection – the LACDA will inspect the proposed site before the proposal of Existing Housing selection date. For existing units, units must substantially comply with HQS before the proposal selection date. Units must fully comply before the HAP contract may be executed;
- Pre-HAP Contract;
- Turnover – the LACDA must inspect a unit before a new family moves in. The unit must fully comply with HQS before a family may receive assistance in that unit;
- Annual – The LACDA will conduct inspections on a random sample of at least 20% of contract units in a building annually. Turnover inspections are not counted toward annual inspections.
- If more than 20% of the annual sample fails the HQS inspections, 100% of the contract units in the building must be inspected.
- Other times – the LACDA will inspect PBV units at other times as necessary to insure the contract units are in compliance with HQS and that the owner

is providing utilities, maintenance and other services in accordance with the HAP contract.

**21.15.1 HQS Violation**  
**[24 CFR §983.207]**

The LACDA may make no HAP payments to the owner during any period in which the contract unit does not comply with HQS or any other HAP contract requirement.

Remedies for HQS violation include abatement or reduction in HAP payments, reduction of contract units, and termination of the HAP contract.

**21.15.2 Inspecting PHA-owned Units**  
**[24 CFR §983.103(f)]**

In the case of Housing Authority-owned units, the inspection must be performed by an independent agency designated by the LACDA and approved by HUD. The independent entity must furnish a copy of each inspection report to the LACDA and to the HUD field office where the project is located. The LACDA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the Housing Authority-owner.

**21.16 RESTRICTIONS ON RENTING TO RELATIVES**  
**[24 CFR §983.251(a)(4)]**

The LACDA will not approve a tenancy if the owner, including principal owners or other interested parties, is the parent, child, grandparent, grandchild, sister, or brother of any member of the family unless the approval is the result of a reasonable accommodation for a disabled family member.

**21.17 LEASE**  
**[24 CFR §983.256]**

Owners must use the same lease for contract units as for unassisted units, with the lease being in accordance with state law.

The lease must include the HUD tenancy addendum. All provisions in the tenancy addendum must be included in the lease. Provisions in the addendum shall prevail over provisions in the lease.

The initial term of the lease must be for at least one year.

In addition to an initial term of at least one year, the lease must provide for automatic renewal after the initial term. Automatic renewal may be in the form of:

- Renewal for successive definite terms (ex: Month to month or year to year)
- Automatic indefinite extension of the lease term

The lease must specify:

- Names of the owner and tenant;

- Identifying information of the unit rented;
- Term of the lease and any provision for renewal;
- The amount of tenant rent to owner;
- Specification of services, maintenance, equipment, and utilities to be provided by the owner;
- The amount of any charges for food, furniture, or supportive services.

#### **21.17.1 Changes in the Lease**

If the tenant and owner agree to any changes in the lease, the change must be in writing and must be submitted to the LACDA immediately.

The owner must notify the LACDA of any proposed change in the lease regarding responsibility for utilities. Such changes may only be made with approval of the LACDA. If the LACDA approves a change in responsibilities for utilities, rent reasonableness must then be re-determined. The rent to owner will be re-calculated from the effective date of the change.

#### **21.17.2 Absence from the Unit**

The LACDA's absence policies found in Chapter Six of this Plan will apply to the PBV program. The lease may specify a maximum period of family absence from the unit that is shorter than that specified by the LACDA.

The HAP contract will not be terminated if the family is absent for longer than the maximum period permitted by the LACDA.

#### **21.17.3 Owner Termination of Tenancy and Eviction**

Grounds for owner termination and eviction reflect the policies outlined in Chapter Fourteen of this Plan, except that an owner may not terminate tenancy after the initial term of the lease for business or economic reasons, or to repossess the unit for personal, family, or nonresidential use.

If an owner refuses to renew the lease without good cause, the family will be issued a tenant-based voucher and the unit will be removed from the HAP contract.

The lease terminates if the owner terminates the lease for good cause, or the owner and tenant agree to terminate the lease

Owners who wish to terminate a HAP contract by either allowing it to expire or refusing to renew it must give the LACDA and the tenants at least 1 year notice. If a proper notice is not given, the owner must allow families to remain in their units for the balance of the notice period without an increase in the tenant's portion of rent. Under this circumstance, the owner may not evict a family due to an inability to collect an increased tenant portion of rent. An owner may renew a terminating contract for a period long enough to give tenants at least a 1 year notice.

#### **21.17.4 PHA Terminations [24 CFR §983.2(c)(5)]**



The LACDA may terminate a family that violates the family obligations of the PBV program. Subsequent to a proposed termination of a family's assistance, the LACDA will advise the family of its right to an informal hearing as outlined in chapter sixteen of this plan.

The LACDA is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner.

- If the family still resides in the unit after the 180 day period and there is still no HAP payment on their behalf, the unit will be removed from the contract.
- If the family has resided in the unit for more than one year, they may request a tenant based voucher and attempt to find a unit for which there will be a HAP payment. No voucher will be issued to a family whose assistance has already been terminated.
- If the unit is in a fully assisted project it may be reinstated once the ineligible family vacates the unit, and in a partially assisted project, another unit may be substituted for the ineligible unit. In both cases the reinstatement/substitution must be in compliance with PBV regulations.

Additionally, the lease terminates if the LACDA terminates the HAP contract or if the LACDA terminates the family's assistance.

The termination of a family's assistance by the PHA alone does not result in an eviction. An owner must pursue eviction in local court. If the owner decides not to pursue eviction, the LACDA may elect to either substitute the ineligible unit or remove the ineligible unit from the HAP contract.

#### **21.17.5 Security Deposits** **[24 CFR §983.258]**

The owner may collect a security deposit from the tenant. The amount may not exceed that allowed by state and local law or that charged to unassisted units in the same building.

When the tenant moves out, the owner may use the amount of the deposit, in accordance with the lease and state and local law, as reimbursement for any unpaid tenant rent, damage to the unit, or any other amount the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the balance is not sufficient to cover amounts the tenant may owe under the lease, the owner may seek the remainder from the tenant. The LACDA has no liability or responsibility for payment of any amount owed by the family to the owner.

#### **21.18 CURRENT PARTICIPANT RIGHT TO MOVE WITH TENANT-BASED ASSISTANCE** **[24 CFR §983.260]**

Eligible families may terminate the assisted lease at any time after the first year of occupancy. Families who wish to move must first contact the LACDA to request a voucher before submitting a lease termination notice to the owner. Once the LACDA has received a written request for a voucher, the family will be issued a new voucher. If the reexamination is current (within 12 months) the LACDA will not conduct a reexamination before issuing the voucher unless there are reported changes to income or the family composition that would require an interim reexamination. At the same time the voucher is issued, the family will receive a Request for Tenancy Approval (RTA). The family should begin looking for housing immediately in order to ensure a smooth transition to the new unit.

If the family terminates the assisted lease before the end of one year, the family relinquishes the opportunity for continued tenant-based assistance.

Requests to move for families wishing to port to another jurisdiction must be submitted in writing.

If a tenant-based voucher is not available at the time of the family's request, the PHA will give the family priority to receive the next available opportunity for continued tenant-based assistance.

#### **21.19 FAMILY OCCUPANCY OF WRONG-SIZE OR ACCESSIBLE UNIT** **[24 CFR §983.260]**

If the LACDA determines that a family is occupying the wrong-size unit, or a unit with accessibility features the family does not require, and is needed by a family that requires the accessibility features, the LACDA will offer the family continued assistance in another unit and will notify the family and owner immediately of its offer of continued assistance and determination.

The LACDA may offer continued assistance either in another PBV unit or a tenant-based voucher. If appropriate, the LACDA may refer the family to an available public housing unit or other public or private tenant-based assistance (e.g. HOME).

If the family is given a tenant-based voucher, policies under the Housing Choice Voucher program regarding voucher issuance and expiration will apply. If a family fails to lease a unit with the tenant-based voucher, assistance will be terminated upon expiration of the voucher (and any subsequent extensions granted by the LACDA)

Upon determination that the family is occupying a wrong-size unit or a unit with accessibility features not required by the family and continued assistance is offered in the form of a project-based voucher, the family will have ninety days in which to move to another unit. If the family fails to move or refuses the offer of continued assistance in another unit, assistance to the family will be terminated.

#### **21.20 DETERMINING RENT TO OWNER** **[24 CFR §983.301, 24 CFR §983.302, and 24 CFR §983.303(b)(1)]**

The amount of estimated rent to owner must be included in the Agreement for rehabilitated or newly constructed housing. The actual rent to owner must be determined at the beginning of the HAP contract term for all types of housing.

The LACDA may include as part of the HAP contract, a provision that the rent to owner will not be reduced below the initial rent. If the LACDA elects to include such a provision, the rent to owner will not be reduced below the initial rental amount during subsequent reasonable rent re-determinations. Additionally, rents will only be reduced below the initial amounts to correct errors in calculations or if additional housing assistance has been combined with the PBV assistance after the execution of the initial HAP contract and a decrease is required due to subsidy layering requirements.

The amount of rent to owner is redetermined at the owner's request for a rent increase and when there is a 10% decrease in the published FMR.

Except for certain tax credit units specified below, the amount of rent to owner must not exceed the lowest of:

- An amount determined by the PHA that does not exceed 110% of the FMR (or any exception payment standard approved by HUD), minus the utility allowance; The LACDA will cap this amount at the current payment standard in effect at the time of the determination.
- The reasonable rent; or
- The rent requested by the owner.

#### **21.20.1 Housing Authority – Owned Units**

##### **[24 CFR §983.301(g)]**

For Housing Authority-owned PBV units, the amount of reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV requirements. The independent entity must provide a copy of the determination of reasonable rent for PHA-owned units to the LACDA and to the HUD field office where the project is located.

Therefore, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. The LACDA must use the rent to owner established by the independent entity.

#### **21.20.2 Redetermination of Rent to Owner**

##### **[24 CFR §983.302]**

The LACDA will only redetermine rent to the owner when the owner requests an increase at the annual anniversary of the HAP contract or when there is a 10% decrease in the published FMR. Notice of rent increase and other limitations on rent adjustments must conform to the above stated policies and section 11.3 of this Plan.

If there is a decrease in rent due to a 10% decrease in the published FMR, the rent to owner must be decreased, whether or not the owner requested a rent adjustment.

The notice of rent adjustment from the LACDA constitutes an amendment of rent to owner specified in the HAP contract.

Rent reasonableness will be determined by a HUD-approved, independent entity for units owned by the LACDA. The entity will provide a copy of the determination to the LACDA and the HUD Los Angeles field office.

The LACDA will not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with all requirements of the HAP contract, including compliance with Housing Quality Standards. The owner may not receive any retroactive increase of rent for any period of noncompliance.

**21.20.3 Rent Determination for Projects with Other Subsidies**  
**[24 CFR §983.304]**

Rents may not exceed rent limits as established by the applicable federal program for units subsidized under the following programs:

1. HOME;
2. Insured or non-insured Section 236 project;
3. Formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
4. Section 221(d)(3) below market interest rate (BMIR) project;
5. Section 515 project of the Rural Housing Service;
6. Any other type of federally subsidized project specified by HUD.

The LACDA may set reasonable rents up to 110 percent of the HUD Market Rent in projects receiving Low-Income Housing Tax Credits (LIHTC), even if the rent level exceeds the maximum rent under the LIHTC program.

The LACDA may, at its discretion include provisions in the HAP contract to reduce the initial amount of rent to the owner because of other governmental subsidies.

**21.20.4 Rent Control and Other Rent Limitations**  
**[24 CFR §983.305]**

Rent control and other rent limitations under local, state or federal law will apply.

**21.21 PAYMENT TO OWNER**  
**[24 CFR §983.351]**

The LACDA will make HAP payments to the owner in accordance with the HAP contract for the months in which the contracted unit is leased to and occupied by an eligible family. Except for discretionary vacancy payments described in section 21.20.1 of this chapter, the LACDA will not make any payments for any month after the month in which the family moves out of the unit. In order to continue receiving HAP payments, the owner must comply with all provisions of the HAP contract, including HQS.

**21.21.1 Vacancy Payments**  
**[24 CFR §983.352]**

If a family moves out of a contract unit, the owner may keep the payment for the full calendar month in which the family moves out. The owner may not keep the payment if the LACDA determines that the vacancy is the owner's fault.

Subject to available funding, the LACDA may provide for vacancy payments to the owner not to exceed two months following move out. The vacancy payment may not exceed the amount of monthly rent under the assisted lease, minus any rent received by the owner, including any available amount from the tenant's security deposit.

Vacancy payments may only cover periods the unit is actually vacant.

The LACDA will only make vacancy payments to the owner if:

- The owner gives prompt, written notice to the LACDA certifying that the family vacated the unit, including the date the family moved out within 72 hours upon learning of the move out, and certifies:
  - The vacancy is not the fault of the owner and the unit was vacant during the period claimed;
  - The owner has taken every reasonable step to minimize the likelihood and length of the vacancy.

The owner must then submit a form requesting vacancy payments and provide the amount of the tenant's security deposit with any amount available to reimburse unpaid rent. The form must accompany receipts substantiating any damages the owner claims from the security deposit. The owner must certify on this form that no other payments were received for the unit during the period vacancy claimed.

**21.21.2 Other Charges and Fees**  
**[24 CFR §983.354]**

The owner may not require the family to pay charges for any meals or supportive services unless the project is an assisted living development, in which case owners may charge tenants, family members, or both for meals and supportive services. These charges may not be included in the rent to owner and may not be used to calculate rent reasonableness. Nonpayment of such charges is grounds for termination under the lease only in an assisted living development.

The owner may not charge tenants or family members extra amounts for items customarily included in the rent in Los Angeles County, or provided at no additional cost for unsubsidized tenants on the premises.



## **Chapter 22:**

### **EMERGENCY HOUSING VOUCHER PROGRAM**

#### **22.1 INTRODUCTION**

##### **[PIH Notice 2021-15]**

On March 11, 2021, President Biden signed the American Rescue Plan, which appropriated \$5 billion for approximately 70,000 Emergency Housing Vouchers (EHVs). The U.S. Department of Housing and Urban Development (HUD) has allocated 1,964 EHVs to the LACDA and the program has been implemented commencing on July 1, 2021.

The EHV program is a tenant-based rental assistance program to assist qualifying families through direct referrals from the Coordinated Entry System (CES).

#### **22.2 ELIGIBILITY**

##### **[PIH Notice 2021-15]**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

1. Homeless
2. At risk of homelessness
3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking
4. Recently homeless and for whom providing rental assistance will prevent the return to homelessness and housing instability

The CES will be responsible for identifying and prioritizing referrals for the EHV program in accordance with a Memorandum of Understanding executed between the LACDA and the Los Angeles Homeless Services Authority (LAHSA) as the lead agency for the Continuum of Care (CoC). See Section 22.5 for the definitions of the eligible categories.

#### **22.3 ALTERNATIVE REQUIREMENTS**

##### **[PIH Notice 2021-15]**

The EHV program will be administered in accordance with the Housing Choice Voucher (HCV) program policies outlined in this Administrative Plan, including any active waivers, except for the alternative requirements listed below:

##### **22.3.1 Referrals and Waiting List**

The LACDA must accept referrals from the CES and/or other partnering agencies when there is a shortage of CES referrals or the CES is not able to identify a category of eligibility. The LACDA shall maintain a separate waiting list for both initial lease-up and any turn-over vouchers.

### **22.3.2 Housing Search Requirement**

The LACDA must ensure that that housing search is made available to EHV applicants during their initial housing search. Housing search assistance may be provided directly by the LACDA or through LAHSA as the lead agency for the CoC or another partnering service provider.

### **22.3.3 Local Preferences**

Current HCV preferences do not apply to the EHV program, including the residency preference. No special preferences will be implemented for the EHV program and the LACDA will defer to the CES' prioritization of eligible populations for referrals.

### **22.3.4 Denial of Assistance**

HUD regulations require that the LACDA deny assistance on the EHV program in the following cases:

- Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamines on the premises of federally assisted housing; and
- Any household member is subject to a lifetime registration requirement under a State sex offender registration

Other reasons for denial of assistance on the HCV program do not apply to the EHV program.

The LACDA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information but should notify the family of the limited EHV grounds for denial of admission first.

### **22.3.5 Income Verification at Admission**

The LACDA may accept self-certification of income by way of a General Affidavit without first attempting higher levels of verification, and third-party documents may be older than 60 days from the date received.

The LACDA must review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the PIC submission date and resolve any income discrepancies within 60 days and in accordance with current policies.

### **22.3.6 Eligibility Determination: Verification of Other Requirements**

Verification of *eligible noncitizen status* and *Social Security Number* must be provided within **180 days** of admission in order to remain eligible for the program, unless the LACDA provides an extension based on evidence that the family has made a good-faith effort to obtain the documentation.

Additionally, the LACDA may accept self-certification of *date of birth* and *disability status* if a higher level of verification is not immediately available. However, the LACDA must obtain a higher level of verification within **90 days** of admission.



Submission of false information by the applicant, once verified, may result in termination from the program.

### **22.3.7 Inapplicability of Income Targeting Requirements**

The HCV income targeting requirements do not apply to the EHV program.

### **22.3.8 Use of Recently Conducted Income Determinations and Verifications**

The LACDA may accept income calculations and verifications from third-party providers such as another subsidized housing program in lieu of conducting an initial examination of income as long as the income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months and the family certifies there has been no change in income or family composition in the interim. The LACDA must review the EIV report to confirm/validate family-reported income within 90 days of the PIC submission date and resolve any income discrepancies in accordance with current policies.

### **22.3.9 Pre-inspection of Units**

To expedite the leasing process, the LACDA may pre-inspect available units. If the voucher holder selects a unit that passed an HQS inspection within 45 days of the receipt date of the Request for Tenancy Approval, the unit may be approved as long as it meets all other conditions under § 982.305; however, the LACDA may not *require* any voucher holder to lease a unit that has a passed pre-inspection.

### **22.3.10 Initial Lease Term**

The initial lease term for an EHV family may be less than 12 months.

### **22.3.11 Portability**

The following exceptions to current portability regulations apply to EHV:

- *No prohibition on portability for non-resident applicants.* Non-resident applicants may immediately move under portability.
- *Portability billing and absorption.* A receiving PHA cannot refuse an incoming port, regardless of whether the PHA does or does not currently administer an EHV program. If the receiving PHA has an EHV program, it must absorb or bill depending on whether it has a vacant EHV. If the receiving PHA does not have an EHV program, the PHA may absorb with an HCV voucher or bill.
- *Family briefing/initial PHA and receiving PHA coordination of services.* The PHA must inform families how the port may affect their level of services and must make sure to coordinate with the receiving PHA regarding services being provided.

The LACDA has executed an interagency agreement with the Housing Authority of the City of Los Angeles (HACLA); therefore, EHV applicants may lease-up anywhere within the City of Los Angeles and an EHV applicant is not required to request portability.

### **22.3.12 Payment Standards**

Payment Standards on the EHV program are set at 120% of the HUD published Fair Market Rents and will be adjusted annually if continued funding is available.

## **22.4 WAITING LIST**

The LACDA must maintain a separate waiting list for the EHV program and the current HCV preferences do not apply to the program. After September 30, 2023, no vacant EHV's will be reissued and any vacated vouchers will be removed from the program.

## **22.5 DEFINITIONS OF ELIGIBILITY**

### **[24 CFR §578.3, PIH Notice 2021-15**

*Homeless* is defined by the McKinney-Vento Homeless Assistance Act as follows:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or

(iii) An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

(2) An individual or family who will imminently lose their primary nighttime residence, provided that:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

(3) Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

(i) Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

(ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(iii) Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iv) Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(4) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

*At risk of homelessness* is defined by the McKinney-Vento Homeless Assistance Act as follows:

(1) An individual or family who:

(i) Has an annual income below 30 percent of median family income for the area, as determined by HUD;

(ii) Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition in this section; and

(iii) Meets one of the following conditions:

(A) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(B) Is living in the home of another because of economic hardship;

(C) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days of the date of application for assistance;

(D) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;

(E) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

(F) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

(G) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

(2) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or

(3) A child or youth who does not qualify as "homeless" under this section, but qualifies as "homeless" under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

*Domestic violence* includes felony or misdemeanor crimes of violence committed by:

a. a current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),

b. a person with whom the victim shares a child in common,

c. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,

- d. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- e. 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.

*Dating violence* means violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- b. 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 relationship; and
  - 3. The frequency of interaction between the persons involved in the relationship.

*Sexual assault* means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

*Human trafficking* includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of 21 age; (and)

Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

*Recently homeless* is defined as individuals and families who have previously been classified by a member agency of the CoC as homeless but are not currently homeless as a result of homeless assistance (financial assistance or services), temporary rental assistance or some type of other assistance, and where the CoC or its designee determines that the loss of such assistance would result in a return to homelessness or the family having a high risk of housing instability. Examples

of households that may be defined as recently homeless by the CoC include, but are not limited to, participants in rapid rehousing, and permanent supportive housing.

**Chapter 23:**  
**MOBILITY DEMONSTRATION PROGRAM**

**RESERVED**

**23.1 OVERVIEW**

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Writer's Direct Line (213) 640-3952

February 4, 2022

**VIA EMAIL ONLY**

Los Angeles County Development Authority  
700 W. Main Street  
Alhambra, CA 91801  
[HADCompliance@lacda.org](mailto:HADCompliance@lacda.org)  
Attn: Don Swift, Assistant Director

Re: Comments to LACDA's 2022 Draft Agency Plan

To Whom It May Concern:

The Legal Aid Foundation of Los Angeles ("LAFLA") respectfully submits these comments and recommendations for the forthcoming 2022 Annual Plan for the Los Angeles County Development Authority ("LACDA"). This letter sets forth recommendations for LACDA to consider while developing the 2022 Public Housing Admissions and Continued Occupancy Policy ("ACOP") and the Section 8 Program Administrative Plan ("Admin Plan"), as well as broader policy changes to consider in the context of this public comment process.

**1. Annual Recertifications to be Conducted Primarily Online**

a. Accessibility

LACDA proposes to amend its ACOP by adding a provision that "Effective July 1, 2022, the LACDA will require that families conduct their annual reexaminations online via the LACDA's online portal, referred to as the Yardi Rent Café Portal." *See* ACOP, p. 138. Concurrent amendments to Section 12.1.1 of the Admin Plan state: "[t]o maintain program efficiency and integrity, the LACDA at its own discretion may conduct re-examination interviews by mail, in-person, or through its Yardi Rent Café portal.... [and] will attempt to conduct all annual reexamination interviews through its online Rent Café portal." *See* Admin Plan, p. 12-1. LACDA's efforts to modernize its electronic records infrastructure are laudable, but fail to account for the significant number of individuals who do not have reliable access to the internet or to computers, or have limited English proficiency. Many LAFLA clients experience these

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**Other Office Locations:**

**East Los Angeles Office**, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883  
**Long Beach Office**, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501  
**Santa Monica Office**, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200  
**Ron Olson Justice Center**, 1550 W 8th Street, Los Angeles, CA 90017; 323-801-7989



barriers. LACDA should ensure that all clients are afforded an equal opportunity to maintain access to benefits.

The low-income residents that LACDA serves often have limited to no access to computers with stable internet connections. *See California's Digital Divide*, published Feb. 2021, Public Policy Institute of California (<https://www.ppic.org/publication/californias-digital-divide/>). LACDA's migrating its entire recertification process to an online portal will make it more burdensome for low-income residents to comply with program requirements to maintain benefits. To mitigate the effects of the gap in access to technology, we recommend that LACDA ensure the Yardi Rent Café Portal is optimized for mobile phone access. This would help many low-income people, including many of LAFLA's clients, who rely primarily on their mobile devices for internet-based needs. The process of submitting the appropriate forms and documentation of income, assets, expenses, and obligations of all family members should be at least as simple using a mobile device as on a computer.

b. Meaningful Access to Program Benefits for People with Limited English Proficiency

Unequal access to technology often compounds barriers for residents with limited English proficiency. We appreciate that the Admin Plan now provides “[f]or families who have language barriers and/or need assistance in accessing the online Rent Café portal [to receive from] LACDA... accommodations as necessary to ensure that the family can submit the required information and documents through the online Rent Café portal.” *See* Admin Plan, p. 12-1. However, because there is no language access plan readily available on LACDA's website it is unclear how LACDA will accommodate these families. If such a plan exists, it should be made readily available to the public. Furthermore, whether such a plan exists or not, we strongly recommend that LACDA add to the Admin Plan provisions to expressly set forth a resident's rights to request, at any time: (i) in-language oral interpretation via any language line services with whom LACDA contracts or will contract, and (ii) professional translation of any relevant vital information distributed in written form.

The handling and processing of any technology or language assistance requests should be as robust as that for reasonable accommodations requested by persons with disabilities. In fact, in triaging the needs presented by program participants attempting to access the new Yardi Rent Café Portal, whether stemming from technology, language, or disability, LACDA should provide accommodations removing any identified barriers. Incorporating more specific language regarding LACDA's policies on language and technology assistance will help ensure more meaningful access to LACDA programs for all participants and, hopefully, lead to better outcomes for vulnerable populations.

We are also concerned that the following language was deleted from Section 12.1.1 of the Admin Plan: “[a]nnual re-examinations not completed through the mail or via the portal, will be conducted in person.” *Id.* Overall, the revisions to LACDA's Annual Plan suggest that LACDA will have greater discretion to deny requested in-person reexaminations. To the extent that such in-person reexaminations could serve as a reasonable accommodation for people with technology, language, or disability access needs, we urge LACDA to continue making available in-person reexamination appointments.

## **2. Interim Recertifications**

LAFLA suggested in its comment letter to the 2021 Annual Plan revisions that the agency should update its ACOP and Admin Plan to allow for retroactive interim recertification. LACDA indicated in its response letter dated February 24, 2021, that LACDA had a retroactive interim recertification directive in place from April 3, 2020 to May 31, 2020, at which time the HUD Field Office in Los Angeles required LACDA “to revisit its interim recertification policy” to ensure that the Housing Choice Voucher program funding was sufficient to sustain present and future rental payments for all families served. We request the results of LACDA’s examination of its interim recertification policy in order to inform additional recommendations. Given that the COVID-19 pandemic is ongoing, and emergency local tenant protections continue to be deemed necessary, flexibility in matching a tenant’s monthly payments to their actual ability to pay remains crucial.

The ACOP and Admin Plan should make the effective date of an interim reexamination retroactive to the first of the month following the date of the actual decrease in income, as opposed to the first of the month following when the family reported the change in income or when the interim reexamination was conducted. Many LAFLA clients have not been able to quickly collect required documentation and provide it to LACDA due to business closures and social distancing requirements. Such a change in the interim reexamination policy would help Los Angeles residents remain housed during public emergencies like the current pandemic.

## **3. Unit-By-Unit Exceptions**

We greatly appreciate that LACDA has adopted a policy on unit-by-unit exception payment standards where needed to provide a reasonable accommodation. We understand that LACDA may make an exception to the payment standard without HUD approval if the exemption amount does not exceed 110 percent of the applicable Fair Market Rent (“FMR”) for the unit size. For exemption amounts that fall between 110 and 120 percent of the FMR, HUD approval is required, and the HUD Field Office will determine whether approval is justified under one of two calculation methods: (i) the median rent method, or (ii) the 40<sup>th</sup> percentile rent, or small area FMR, method. 24 CFR § 982.503. Accordingly, in Section 11.5 of the Admin Plan, LACDA states that in order to approve an exception or request an exception from HUD, LACDA must determine that: (i) there is a shortage of affordable units appropriate for the family size; (ii) the family’s share would otherwise exceed 40 percent of adjusted monthly income; and (iii) the rent for the housing unit is reasonable. *See* Admin Plan, p. 11-4.

The additional cost of medical care and equipment necessary for daily living often severely strains the incomes of people with disabilities. Therefore, for requested exceptions to the payment standard where HUD approval is not necessary, LACDA should lower the requirement that a family’s share of rent not exceed 40 percent of adjusted monthly income. Bringing the income limit down to 30 percent would allow more people with disabilities and their families to obtain a needed unit-by-unit exception. For those exemption amounts requiring HUD approval, LACDA should consider using not only the 40<sup>th</sup> percentile rent test, but also the median rent method to accommodate more households. Dual calculations should be conducted when reviewing requests for unit-by-unit exceptions until

LACDA has conclusive evidence that the number of households potentially eligible for a payment standard exception is essentially the same under either calculation method.

#### **4. Steps to Detect Program Abuse and Fraud**

LACDA conducts reviews of applicant files prior to making unit offers and in 2021, subsequent recertifications were “randomly selected by the Administrative Unit and assigned to the Property Managers and Fraud Analyst for quality control review.” *See* ACOP, p. 167. For 2022, LACDA has omitted the Fraud Analyst from this process. We urge LACDA to keep the Fraud Analyst involved to better ensure more objective decision-making, especially when the consequences of such reviews for abuse and fraud could result in termination of residents’ benefits.

#### **5. Income Changes Resulting from Welfare Program Requirements**

The ACOP was revised to reflect that LACDA now “has a written cooperation agreement in place with the local welfare agency which assists the LACDA in obtaining the necessary information regarding welfare sanctions.” *See* ACOP, p. 146. We respectfully request that LACDA make this cooperation agreement publicly available.

We respectfully request that LACDA revise its 2021 Agency Plan consistent with the above comments and recommendations. Additionally, please do not hesitate to contact us with any questions or requests for clarification.

Sincerely,



Pui-Yee Yu  
Staff Attorney



March 2, 2022

**VIA E-MAIL**

Pui-Yee Yu, Staff Attorney  
Legal Aid Foundation of Los Angeles  
1550 W. 8<sup>th</sup> Street  
Los Angeles, CA 90017

**RE: RESPONSE TO PROPOSED FY 2022-2023 ANNUAL PLAN – PUBLIC COMMENT**

Thank you for taking the time to review and offer recommendations for the Los Angeles County Development Authority's (LACDA) proposed Fiscal Year (FY) 2022-2023 Public Housing Admissions and Continued Occupancy Policy (ACOP) and Housing Choice Voucher (HCV) Program Administrative Plan changes.

The LACDA has reviewed the Legal Aid Foundation of Los Angeles' (LAFLA) recommendations and kindly provides the following responses:

- 1. Annual Reexaminations to be Conducted Primarily Online**
  - a. Concerns Related to Accessibility.**
  - b. Concerns Related to Meaningful Access to Program Benefits for Limited English Proficiency Persons.**

The LACDA would like to thank LAFLA for taking the time to review its Yardi Rent Café Annual Reexamination online policy under both the ACOP and the Administrative Plan.

The LACDA would like to confirm that the Yardi Rent Café is mobile device friendly and accessible (i.e. phone, tablet, etc.). Both the Administrative Plan and ACOP (Admin. Plan Section 1.14 Interpretive (Oral) Services and ACOP Chapter 19) notify LEP applicants and participants that they have the right to free interpreter services, whether or not the language they speak is considered a threshold language, when the individual states a need, or staff observes difficulty in communicating in English.

- 2. Interim Recertifications**
  - a. Request the results of LACDA's examination of its interim recertification policy in order to inform additional recommendations.**
  - b. Adopt a policy that is retroactive to the first of the month following the date of the actual decrease in income.**



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Executive Director: Emilio Salas  
Commissioners: Hilda L. Solis, Holly J. Mitchell, Sheila Kuehl, Janice Hahn, Kathryn Barger

The LACDA appreciates LAFLA for taking the time to advocate for a generous Interim Reexamination policy.

LAFLA should be aware that when a Public Housing Agency's (PHA) HCV Program finds itself at risk of a funding shortfall, HUD intervenes and directs the PHA to take every possible action to reduce costs and to prevent the termination of HCV Program assisted families. Under HUD's directive, reevaluating the PHA's interim reexamination policy is a course of action.

At the time of LACDA's funding insecurities, the LACDA's HCV Program's interim policy was very generous and permitted families to not report new employment or increases in income in between an annual reexamination. At the point of a HUD intervention, a cost analysis of a singular policy is a moot point since the PHA is directed by HUD to immediately implement policies that will effectively reduce costs and mitigate the termination of families which could cause homelessness. As such, under HUD's directive, the LACDA's current interim reexamination policy, as written in the Administrative Plan, was formulated.

For nearly a decade, the LACDA has been committed to combatting the Los Angeles County homelessness crisis and is engaging in homeless mitigation efforts. This commitment has led the LACDA to carefully balance its rental assistance funding to maintain its families housed while ensuring funding is available to house additional unsheltered families. At this time, given the expense and dire circumstances surrounding the unsheltered, compounded with the COVID-19 pandemic, the LACDA is ensuring that its limited federal funds are used strategically to maximize housing for the unsheltered. As stated in the letter sent to LAFLA on February 24, 2021, the LACDA's HCV program staff continues to place a priority on the processing of interim reexaminations, especially for those related to loss(es) of wages.

Correspondingly, the Public Housing Program also continues to proactively reach out to its families, providing essential materials, and maintaining open communication channels to address immediate hardships that families may be facing. Furthermore, the Public Housing Program also continues to place a priority on the processing of interim reexaminations, especially for those related to loss(es) of wages.

### **3. Unit-By-Unit Exceptions**

- a. Exception Payment Standards where HUD approval is not necessary – The LACDA should lower the requirement that a family's share of rent not exceed 40 percent of adjusted monthly income. Bringing the income limit down to 30 percent would allow more people with disabilities and their families to obtain a needed unit-by-unit exception.**
- b. Payment Standard exemption amounts requiring HUD approval – The LACDA should consider using not only the 40<sup>th</sup> percentile rent test, but also the median rent method to accommodate more households.**

The LACDA thanks LAFLA for advocating for favorable rules pertaining to Exception Payment Standards.

The LACDA ensures that units leased under a reasonable accommodation and an exception payment standard are affordable and achievable. The 30 to 40 percent bracket is in place by law and required by HUD to ensure that families have access to a greater pool of otherwise inaccessible units. If at any time during the tenancy, the family expresses a rental hardship as a result of rental market rent increases or loss(es) of income, the family reserves the right to request a reevaluation of the exception payment standard. Under such circumstance, if outside of the LACDA's authority, the LACDA will advocate to HUD for a higher exception payment standard for the family.

For exception payment standards requiring HUD approval, the LACDA respectfully requests that LAFLA advocate directly to HUD or Congress for alternative generous methods.

#### **4. Steps to Detect Program Abuse and Fraud**

- a. The LACDA conducts reviews of applicant files prior to making unit offers. For 2022, the LACDA omitted the Fraud Analyst from this process. LAFLA urges the LACDA to keep the Fraud Analyst involved to better ensure more objective decision-making, especially when the consequences of such reviews for abuse and fraud could result in termination of residents' benefits.**

The LACDA thanks LAFLA for taking the time to review its Public Housing Program abuse and fraud policies and procedures.

The LACDA's intent for reviewing applicant files, and subsequent annual reexamination files, is to ensure compliance with HUD's regulatory requirements and guidance. These reviews are primarily a quality control function of the Property Managers. During this step of the process, it is not always necessary for the Fraud Analyst to be involved. The ACOP policy continues to provide for Fraud Analyst involvement. Property Managers have the discretion to schedule a consultation to meet with the Fraud Analyst to discuss preliminary findings as necessary and seek further guidance.

#### **5. Income Changes Resulting from Welfare Program Requirements**

- a. The LACDA now "has a written cooperation agreement in place with the local welfare agency which assists the LACDA in obtaining the necessary information regarding welfare sanctions."**
- b. LAFLA respectfully requests that the LACDA make this cooperation agreement publicly available.**

The LACDA thanks LAFLA for having taken the time to review its ACOP's Welfare Program Requirements.

LAFLA should be aware that the LACDA's cooperation agreement with the Los Angeles County Department of Public Social Services (DPSS) is in place as a result of HUD guidance to PHAs under PIH Notice 2010-19, whereby HUD encourages PHAs to establish Up-Front Income Verification (UIV) methods to facilitate income

verification requirements. This agreement satisfies HUD's Up-Front Income Verification (UIV) hierarchy requirement and facilitates the document collection for the family since the family can easily provide the LACDA consent instead of bearing the burden of having to acquire a current computer-generated Notice of Action from DPSS.

It should be noted that, although the cooperation agreement is in place, the LACDA cannot access the family's DPSS benefits information unless the family grants the LACDA written consent. In addition, the agreement only impacts families that received benefits from DPSS, which is why the DPSS agreement is not made available to the public. Given the LAFLA's comment, the LACDA has reviewed its ACOP policy and made a correction to the current language. The word "unwritten," was changed to "written".

In closing, the LACDA would like to again thank LAFLA for its contributions toward the development of its FY 2022-2023 Annual Plan, and ultimately its families. The LACDA has benefited greatly from the collaboration of Los Angeles County agencies, Community Based Organizations and Legal Advocates over the years. The LACDA welcomes any future feedback to ensure that persons experiencing homelessness and all assisted families have complete access to its rental assistance programs.

Should you have any questions or future recommendations, you may contact Twima Earley, Director, Housing Operations Division at [Twima.Earley@lacda.org](mailto:Twima.Earley@lacda.org) or by phone at (626) 586-1900, or Medina D. Johnson-Jennings, Acting Director, Housing Assistance Division at [Medina.Johnson-Jennings@lacda.org](mailto:Medina.Johnson-Jennings@lacda.org), or by phone at (626) 586-1670.

Sincerely,



TRACIE MANN  
Chief of Programs

TM:TE:MJJ



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February 4, 2022

*Sent via Email and U.S. Mail*

Los Angeles County Development Authority (LACDA)  
Don Swift, Assistant Director  
Dayana Zavala, Policy Administrator  
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Alhambra, CA 91801  
[HADCompliance@lacda.org](mailto:HADCompliance@lacda.org)

**Re: Public Review and Comment for LACDA's Proposed Annual Plan for Fiscal Years 2022-2023**

To Whom It May Concern:

Disability Rights California ("DRC") submits comments on LACDA's Proposed Annual Plan for Fiscal Years 2022-2023. DRC is a state-wide, non-profit disability rights organization federally mandated to advance and protect the human and legal rights of Californians with disabilities. One of DRC's priorities is increasing access to affordable, accessible, and safe housing for people with disabilities. We serve the greater Los Angeles area, including areas in LACDA's jurisdiction.

**[Proposed Policies in Plan Elements](#)**

**1. Conducting Annual Reexaminations Online Only**

LACDA is proposing a policy change for both its public housing and voucher programs to conduct annual reexaminations online only. This may pose issues of access to individuals who do not have technological resources or capabilities. Some online portals are not accessible to



individuals with disabilities. LACDA should provide alternative methods for reexaminations for individuals who are unable to navigate the online system.

## **2. Additions to the Lease**

We urge LACDA to not add the requirement that former family members who want to be added back to a public housing lease to be subject to a criminal background screening and suitability requirements. Former family members are able to return to the lease within 120 days after their move out. This is a short time period, and a family member who was previously screened should not have to be subject to another screening. Some family members return to either take care of a disabled family member or return to receive disability-required care from a family member. Any delays or denials to return will negatively impact these individuals with disabilities.

## **3. Safety and Crime Prevention Element**

LACDA continues to implement its Community Policing Program (CPP) in public housing through contracts with the Los Angeles Sheriff's Department and the Long Beach Police Department. Residents and visitors of public housing can be subject to outsized police attention due to police presence in public housing and increased enforcement for infractions such as violation of any curfew or loitering policies. See below section on comments to the Admissions and Continued Occupancy Policy (ACOP). There are house rules or other local ordinances (ie noise ordinances, jaywalking, smoking, open container, manner of walking in roadway) that can be used by police to stop, arrest, or conduct a "voluntary" encounter. Over policing and enforcement in public housing can lead to evictions and other negative consequences and experience with the criminal justice system.<sup>1</sup> It can also have potential fair housing implications. The federal affirmatively furthering fair housing (AFFH) mandate not only applies to the actions of the HUD Secretary, but also applies within the context of HUD

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<sup>1</sup> See generally Alexis Karteron, *When Stop and Frisk Comes Home: Policing Public and Patrolled Housing*, 69 Case W. Rsv. L. Rev. 669 (2019) Available at: <https://scholarlycommons.law.case.edu/caselrev/vol69/iss3/7>

programs – including within the programs and activities of public housing agencies (PHAs).<sup>2</sup>

#### **4. Progress Report: Reduce Homeless in Los Angeles County Objectives**

LACDA is planning to continue to fund the purchase of additional motels/inns using a combination of COVID-19 relief funds and state funding from Project Home Key, a follow-up to the Project Room Key program. We urge LACDA to ensure that such purchases are not displacing existing tenants in these motels and inns, and that full relocation monies and services are provided to tenants who do not qualify to be housed at these properties.

#### **The Admissions and Continued Occupancy Policy for the Conventional Public Housing Program (ACOP) AND the Administrative Plan**

##### **1. Reasonable Accommodations**

###### *a. Notice of Right to Request a Reasonable Accommodation*

The ACOP and the Administrative Plan should have procedures to inform applicants, participants, and tenants of their right to request a reasonable accommodation at all levels of participation in the PHA programs. As it stands, the ACOP (and only the ACOP) describes procedures to notify new tenants who lease up with a public housing program and applicants who enter the waiting list. But because a reasonable accommodation request can be made at any time,<sup>3</sup> notice of one's rights to be accommodated should exist beyond an individual's initial contact with LACDA's programs. Such a notice procedure should also exist beyond the public housing program. LACDA should inform all applicants, participants, and tenants, in writing, that they may request a reasonable accommodation during the admissions process, annual reexamination

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<sup>2</sup> See 42 U.S.C. § 1437c-1(d)(16) (PHA must complete affirmatively furthering fair housing certification.); see also *Langlois v. Abington Hous. Auth.*, 234 F. Supp. 2d 33, 73 (D. Mass. 2002) (“When viewed in the larger context of [the Fair Housing Act], the legislative history, and the case law, there is no way—at least, none that makes sense—to construe the boundary of the duty to affirmatively further fair housing as ending with the Secretary”); *Otero v. N. Y. City Hous. Auth.*, 484 F.2d 1122, 1133–34 (2d Cir. 1973) (PHA has an affirmatively further fair housing obligation.).

<sup>3</sup> 2 Cal. Code Reg. § 12176(c)(3)

process, and as part of any major changes (such as an increase in tenant's rent portion) or adverse action proposed by LACDA. For example, any announcement or publication that a waitlist is closed can be accompanied by a notice to request a reasonable accommodation to apply despite the closure. LACDA should plan on how individuals can be notified during these various stages of program participation, and these procedures of notification should be outlined in both the ACOP and the Administrative Plan.

*b. Verifying Disability and the Need for Accommodation*

Both the ACOP and the Administrative Plan state that verification of disability must be either receipt of SSI or SSA disability payment or verification by an appropriate *diagnostician*. However, other persons besides medical professionals and diagnosticians may verify a disability and the need for an accommodation. Other sources of verification can be a peer support group, a non-medical service agency, or any reliable third party who is in a position to know about the individual's disability.<sup>4</sup>

California fair housing regulations note that "any other reliable third party who is in a position to know about the individual's disability or disability-related need for the accommodation" may provide information confirming a person's disability or need for an accommodation. Such a reliable third party could include "a relative caring for a child with a disability, a relative caring for an elderly family member with dementia, or others in a caregiving relationship with a person with a disability."<sup>5</sup> Also, depending on the circumstances, self-certification can also be possible via a credible statement by the individual requesting an accommodation.<sup>6</sup>

The sections of the ACOP and Administrative Plan that discuss verification of disability and need for reasonable accommodation should provide clarity and expansion from its current language on who can provide verification.

Additionally, A PHA can request only information that is necessary to verify that someone has a disability-related need for the requested

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<sup>4</sup> See Joint Statement of the Department of Housing and Urban Development and the Department of Justice [on] Reasonable Accommodations under the Fair Housing Act, p. 7 (May 17, 2004); *Cleveland v. Policy Management Systems Corp.*, 526 U.S. 795, 797 (1999)

<sup>5</sup> 2 Cal. Code Reg. § 12178(g)-(h)

<sup>6</sup> 2 Cal. Code Reg. § 12178(f)

accommodation.<sup>7</sup> While there is language in the plan that disallows the seeking of further information if the disability or the disability-related need is readily apparent, it should include additional language that reflect the California fair housing regulations. The regulations limit information sought to only what is necessary to establish that the individual has a disability, describe the needed accommodation, and show the nexus between the disability and the necessary accommodation.<sup>8</sup> LACDA should not seek information about any particular diagnoses, medical condition, the severity of the disability, medical records, medical history, or other disability or medical issues unrelated to the request or beyond what is necessary to establish the disability-related need.<sup>9</sup>

Lastly, where submitted paperwork was not properly retained in the file by LACDA or has been lost or misplaced by LACDA, the burden should not be on the household member to resubmit. Obtaining verification can be burdensome. Some providers require an appointment before producing such a letter. Having to schedule and attend an additional medical appointment costs the family time and money they would not otherwise spend, especially if the individual had to miss work and other obligations in order to attend those appointments.

*c. Requirement to Engage in the Interactive Process*

The ACOP states that the LACDA staff *may* engage in an “interactive process”, when needed, with the requestor to identify reasonable alternatives to address the request of a person with disabilities. The Administrative Plan does not address the interactive process. Consistent with applicable law, e.g., the HUD/DOJ joint statement on reasonable accommodation, the language should reflect a requirement that LACDA engage in the interactive process, i.e., change “may” to “must” and explicitly discuss the interactive process requirement in the Administrative Plan.

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<sup>7</sup> 2 Cal. Code Reg. § 12178(a)-(e)

<sup>8</sup> 2 Cal. Code Reg. § 12178(d)

<sup>9</sup> 2 Cal. Code Reg. § 12178(e)

## **2. Eligibility and Sustainability Screening**

LACDA should add the following language to every instance where the ACOP and Administrative Plan reference arrests and/or convictions:

“Pursuant to the Fair Housing Act and Notice PIH 2015- 19, LACDA will never use arrest records or police reports as the sole basis for denying admission, terminating assistance, or evicting tenants from public or other federally subsidized housing. Additionally, LACDA will not impose a blanket prohibition on any person with any conviction record and will take into account the nature, severity, and recency of an individual's criminal conduct.”

This language is supported by HUD's fair housing guidance and the California fair housing regulations,<sup>10</sup> and is critically important to clarify that police reports or arrest records alone will not be enough to deny or terminate assistance in LACDA properties. It is also essential that LACDA act in accordance with HUD guidance and clarify what evidence of criminal activity is considered “credible” or what will be permissible “supporting documentation.”

For all programs, a PHA must consider whether a criminal activity is related to an applicant’s status as a survivor of domestic violence, dating violence, sexual assault, or stalking.<sup>11</sup> It must also consider whether the criminal activity is related to the individual’s disability.<sup>12</sup> While some mitigating circumstances are addressed in the ACOP, and while VAWA protections are generally discussed under admission eligibility factors in the Administrative Plan, the two requirements for consideration above are explicitly addressed in neither the ACOP nor the Administrative Plan. We request that LACDA explicitly include these requirements in the plan.

## **3. Minimum Rent and Hardship Exemptions**

PHAs must notify tenants of the hardship exemption. The ACOP provides procedures for notification to families of hardship exceptions; the Administrative Plan provides no such procedures and should include them. In addition to these procedures already provided in the ACOP, both the

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<sup>10</sup> HUD Office of General Counsel Guidance on Application of Fair Housing Standards to the Use of Criminal Records by Providers of Housing and Real-Estate-Related Transactions, at 5 (Apr. 2016); See also 2 Cal. Code Reg. §§ 12264-12271

<sup>11</sup> 34 U.S.C. § 12491

<sup>12</sup> Fair Housing Act (42 U.S.C. 3601 et seq.); Section 504 of the Rehabilitation Act (29 U.S.C. § 701 et seq.); See also *Simmons v. T.M. Associates Management, Inc.*, 287 F. Supp. 3d (W.D. Va. 2018)

ACOP and the Administrative Plan should provide notice of the hardship policy to every adult in the household (1) during intake, both orally and in writing and (2) in all termination notices.

The PHA is also required to suspend the minimum rent charges beginning the next month after a hardship request is received until such time that a PHA has determined whether to grant the request.<sup>13</sup> It must do this for both public housing and voucher tenants. This policy is found in neither the ACOP nor the Administrative Plan.

#### **4. LACDA Hearing Procedures**

##### *a. Right to Examine Relevant Documents Prior to the Hearing*

Tenants have a right to examine all evidence and relevant documents prior to a hearing. If they are not made available upon the tenant's request, the PHA cannot rely on such a document at the hearing.<sup>14</sup> Both the ACOP and the Administrative Plan require the tenants to bear the expense of obtaining a copy of their file and documents. LACDA should have a quick and easy fee waiver process that does not further burden or delay the tenant's right to a hearing and review of relevant documents prior to the hearing.

To ensure that tenants receive the documents with enough time to prepare a defense, LACDA should have discrete timelines for the disclosure of such information. Currently, the ACOP requires LACDA to provide documents only 24 hours in advance of the hearing. The Administrative Plan does not provide any timelines. Tenants should have enough time to prepare for the hearing. We recommend providing tenants documents no later than 10 days prior to the hearing.

##### *b. Right to Bring an Advocate*

A public housing resident or voucher participant has a right to bring an advocate of their choosing.<sup>15</sup> Upon request, LACDA should allow reasonable continuances to obtain an attorney.<sup>16</sup> Additionally, LACDA or hearing officers should direct tenants with intellectual disabilities to legal

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<sup>13</sup> 24 C.F.R. § 5.630(b)(2)

<sup>14</sup> 24 C.F.R. § 966.56(b)(1); 24 C.F.R. § 982.555(e)(2); 42 U.S.C. § 1437d(k)(3)

<sup>15</sup> 42 U.S.C.A. §1437d(k)(4); 24 C.F.R. § 966.56(b)(2); 24 C.F.R. § 982.555(e)(3)

<sup>16</sup> *In re Smith v. HPD*, No. 403147/11 (N.Y. Sup. Ct. Oct. 11, 2013) (finding abuse of discretion to deny adjournment to allow legal aid office to make decision on representation)

assistance.<sup>17</sup> These practices and policies should be reflected in both the ACOP and the Administrative Plan.

*c. Right to Reschedule*

The PHA must schedule the hearing promptly and at a time and place reasonably convenient to both the tenant and the PHA.<sup>18</sup> The PHA should also allow for a hearing to be rescheduled for good cause, including as a reasonable accommodation for a person with a disability or to allow a participant to obtain an attorney.<sup>19</sup> This right to reschedule should be reflected in both the ACOP and the Administrative Plan.

*d. Meaningful Access to the Hearing*

If a public housing resident or voucher participant has limited English proficiency, the PHA must take affirmative steps to ensure that the resident or participant has meaningful access to the grievance and hearing procedure. This means providing an appropriate interpreter, both for the informal conference and the hearing, at no cost. The PHA should also translate or interpret all vital documents, including notices, forms, summaries, and decisions into the resident's primary language.<sup>20</sup>

In addition to language access, LACDA should outline policies and procedures in the ACOP and the Administrative Plan to provide effective communication to individuals with disabilities in accordance with Title II of the Americans with Disabilities Act. This means providing auxiliary aids and services for people who need them to communicate.

## **5. Terminations**

The ACOP and the Administrative Plan must make clear that LACDA has the burden, by a preponderance of credible evidence, that the household member committed the program violation.<sup>21</sup> Additionally, HUD encourages PHAs to consider the totality of circumstances before terminating a family's assistance. Factors such as the seriousness of the offense and the impact of termination on other family members can

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<sup>17</sup> *Blatch v. Hernandez*, 360 F. Supp. 2d 595 (S.D.N.Y. 2005)

<sup>18</sup> 24 C.F.R. § 966.56

<sup>19</sup> *In re Smith*, *supra*

<sup>20</sup> 24 C.F.R. § 966.56(g); Executive Order 13166 (Aug. 11, 2000); Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 72 Fed. Reg. 2732 (Jan. 22, 2007)

<sup>21</sup> See 24 C.F.R. §§ 982.553(c); *Spence v. Gormley*, 439 N.E.2d 741 (Mass. 1982).

significantly affect a decision to terminate. Failure to consider relevant circumstances may constitute an abuse of discretion.<sup>22</sup>

## Admissions and Continued Occupancy Policy for the Conventional Public Housing Program (ACOP)

### **1. Chapter 2: Eligibility and Suitability for Admission to Public Housing**

LACDA should not deny a live-in aide, who is essential to the care of a tenant, if the proposed live-in aide owes rent or other amounts to LACDA or to another PHA. The live-in aide's debt to LACDA or another PHA has no bearing on their fitness as a live-in aide or the tenant's need for their critical care. Additionally, the live-in aide does not pay rent, so past debts owed are not needed to determine the likelihood that the live-in aide will regularly pay rent or other charges as necessary. This policy unfairly penalizes elderly or disabled public housing participants by potentially depriving them of the best-suited provider of live-in assistance.

The ACOP has a three-year "look back" period to deny admission to applicants who have engaged in any drug-related criminal activity or violent criminal activity. To reject an applicant, the criminal activity must have occurred within a "reasonable period" of time prior to the admission.<sup>23</sup> "Look-back periods are intended to ensure that the criminal history information considered is relevant to the decision being made."<sup>24</sup> In describing best practices for PHA screening policies, HUD highlights a policy that considers drug-related criminal activity in the last twelve months and violent criminal activity in the last twenty-four months.<sup>25</sup>

We request that LACDA, in accordance with HUD's guidelines, shorten its look-back period for drug-related criminal activity and violent criminal activity. LACDA should also reconsider its mandatory, overly restrictive language requiring LACDA deny admission to public housing any applicant who has engaged in violent criminal activity within the last three years (Page 21 of the ACOP).

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<sup>22</sup> 24 C.F.R. §§ 982.552(c)(2) (Vouchers), 966.4(l)(5)(vii)(B) (Public Housing)

<sup>23</sup> 42 U.S.C. § 13661(c)

<sup>24</sup> 2 Cal. Code Reg. § 12269(b)

<sup>25</sup> "Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions," Notice PIH 2015-19, at 6 (Nov. 2, 2015).



## **2. Chapter 3: Applications and Management of the Waitlist**

For units designed for the disabled with accessibility features, we urge LACDA to have clear policies and procedures on how individuals on the waitlist who need these units are notified when one is available, and how the information is managed on the waitlist. We have heard reports, by individuals in the community, of people who do not need these units being offered these units. These rare units should be reserved for those who need it, and since the demand for these units are high, LACDA should be notifying individuals in need of these units when and as soon as they are available.

## **3. Chapter 5: Determination of Total Tenant Payment and Family Choice in Rents**

The ACOP currently differentiates permanent and temporary hardship for the hardship exemption to the minimum rent. The ACOP also defines temporary hardship as less than 90 days. It then offers the tenant a repayment agreement for any minimum rent as a result of a temporary hardship. We urge ACOP to get rid of the temporary hardship policy or shorten the time period to no more than 30 days. For tenants living on limited resources, a hardship such as loss of employment can quickly cause housing precarity. If LACDA insists on keeping the repayment agreement policy for temporary hardship, we urge LACDA to get rid of the practice to charge any minimum or lump sum payments up front.

## **4. Chapter 17: LACDA Curfew and Loitering Policies and Procedures**

We strongly urge LACDA to reconsider its curfew and loitering policies and the wide discretion to property managers and law enforcement and security officers to enforce these policies. LACDA allows for multiple violations of the policies to be considered breaches of the public housing lease agreement. The broad discretion of enforcement can put many families in jeopardy of eviction and displacement. The curfew policy disproportionately impacts families with minors and young children. And the loitering policy is vague and overbroad. Additionally, enacting such policies and having law enforcement officers enforce these policies increase unnecessary and potentially dangerous police interactions with residents. The federal affirmatively furthering fair housing (AFFH) mandate not only

applies to the actions of the HUD Secretary, but also applies within the context of HUD programs – including within the programs and activities of PHAs.<sup>26</sup>

## Administrative Plan

### **1. Live-in Aide (Chapter 2)**

The Administrative Plan should broaden who can provide the verification for a live-in aide; the word “professional” can be restrictive. California fair housing regulations note that “[a]ny other reliable third party who is in a position to know about the individual’s disability or disability-related need for the accommodation” may provide information confirming a person’s disability or need for an accommodation. Such a reliable third party could include “a relative caring for a child with a disability, a relative caring for an elderly family member with dementia, or others in a caregiving relationship with a person with a disability.”<sup>27</sup>

An individual should not be barred from serving as a live-in aide where they owe a debt to LACDA or any other PHA, as said debt does not reflect on their qualification to serve as a live-in aide. In addition, the benefit of housing accrues to the family, and only incidentally to the live-in aide, who has no tenancy. The constraint on live-in aide should be limited to exclude a person who would “not be living in the unit except to provide the necessary supportive services.”<sup>28</sup>

### **2. Subsidy Standards (Chapter 5)**

We request that the Administrative Plan be clarified to make explicit that LACDA will not count living rooms as bedrooms in making voucher size determinations. This is consistent with guidance from HUD, in a memorandum from HUD’s Office of General Counsel.<sup>29</sup> The memorandum

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<sup>26</sup> See 42 U.S.C. § 1437c-1(d)(16) (PHA must complete affirmatively further fair housing certification.); see also *Langlois v. Abington Hous. Auth.*, 234 F. Supp. 2d 33, 73 (D. Mass. 2002) (“When viewed in the larger context of [the Fair Housing Act], the legislative history, and the case law, there is no way—at least, none that makes sense—to construe the boundary of the duty to affirmatively further fair housing as ending with the Secretary”); *Otero v. N. Y. City Hous. Auth.*, 484 F.2d 1122, 1133–34 (2d Cir. 1973) (PHA has an affirmatively further fair housing obligation.).

<sup>27</sup> 2 Cal. Code Reg. § 12178(g)-(h)

<sup>28</sup> 24 CFR § 5.403

<sup>29</sup> Memorandum, Office of General Counsel, Assisted Housing Division, Office of Public and Indian Housing, Office of Voucher Management Operations (June 25, 2013).

states that there is no HCV statutory, regulatory, or administrative authority that considers a living room a “bedroom,” and that under no circumstances may a PHA compel a family to have its family member(s) reside in a living room or accept fewer bedrooms than what the family needs.

The Administrative Plan should also clarify that members of different generations and children of separate gender identity should not be required to share a bedroom. Any clarification should include an inclusive policy, rather than acknowledging only an assigned at-birth sex designation.

### **3. Re-Examinations (Chapter 11)**

LACDA should clarify the following for tenant rent decreases: “The decrease will be effective on the first day of the month following the month the change was reported and all documents are received *and verified*.” (emphasis added). This requirement and timeline can cause unnecessary delays for the family. We urge LACDA to make the rent decrease documentation and verification process as quick and simple as possible.

We also urge LACDA to make the decrease effective the month of the change in income. There is a clear policy reason for setting a faster timeline for implementing tenant rent decreases. For tenants living on limited resources, a decrease in their household income could quickly put them in precarious position and make it impossible to afford their rent portion.

Additionally, it is not reasonable or fair that households should lose a retroactive benefit in instances where LACDA delay or other circumstances outside the control of the household result in delayed verification. In cases where the change cannot be verified until after the date the change would have become effective, the change should be made retroactively.

### **4. Voucher Mobility and Portability (Chapter 13)**

The Administrative Plan should only indicate the mandatory and discretionary reasons for which the PHA may deny a family’s request to move under the Federal Regulations. The Regulations do not include a family owing money to any PHA as a reason to deny a request to move. Thus, this should not be one of the reasons for LACDA to deny families permission to move.

Individuals with disabilities may need an exception to LACDA's restrictions on allowable moves and portability as a reasonable accommodation. The Administrative Plan provides an exception to its policy restricting moves during the initial lease term for the reasonable accommodation of an individual with disabilities. But it does not provide an exception to any of its other restrictions, such as moving more than once in a 12-month period or violation of a family's obligation. Participants with disabilities may need a change in these rules as a reasonable accommodation.

The Administrative Plan should describe how LACDA will manage families who requested a move, but funding shortfalls impede its ability to issue the voucher. When the initial request to move is denied due to insufficient funding, but funds subsequently become available, PHAs must establish a process for addressing these requests.<sup>30</sup> The process must include: (1) how the PHA will inform families of its process for addressing these requests; (2) how long the request to move will remain open for consideration; and (3) how the PHA will notify families with open requests when the funds become available. Before the family's request to move is closed, LACDA should notify the family in writing of such at least 30 days prior.

If a family is required to undergo a re-examination before a moving voucher is issued due to reported changes in income or family composition, the re-examination should not exceed 30 days. Re-examination may severely limit a family's right to move, especially if prolonged.

## **5. Enhanced Vouchers (Chapter 19)**

The Administrative Plan should require owners and landlords to include an enhanced voucher lease addendum. Such an addendum stating the right to remain is necessary to protect the rights of enhanced voucher families. A lease addendum can inform tenants, owners, and the courts of the unique rights and requirements for enhanced voucher families and permit effective enforcement of the tenants' right to remain.

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<sup>30</sup> Notice PIH 2016-09 (HA) (June 6, 2016) § (7)(d)

## 6. Project-Based Vouchers (Chapter 21)

Once a family is accepted into the PBV program, the PHA must orally brief the family about how the program operates, including the family's and owner's responsibilities.<sup>31</sup> While the Administrative Plan does briefly describe what the oral briefing and the briefing packet will include, accepted families can benefit from a thorough briefing packet. The briefing packet should also include: (1) information about available legal aid services in the community; (2) the process for receiving tenant-based rental assistance after terminating the lease for the PBV unit;<sup>32</sup> and (3) a template for informing the owner and PHA of the tenants' intent to terminate the PBV lease.<sup>33</sup> Also, the Administrative Plan should describe the process for families to provide notice to the PHA about its desire to terminate the lease for the PBV unit and include a template for families to use.<sup>34</sup>

Thank you for your consideration of these comments. If you have any questions, please contact Lucia Choi at (213) 213-8093 or at [lucia.choi@disabilityrightsca.org](mailto:lucia.choi@disabilityrightsca.org).

Best,

Handwritten signatures of Lucia Choi and Navneet K. Grewal.

Lucia Choi, Esq.  
Navneet K. Grewal, Esq.  
Disability Rights California  
Civil Rights Practice Group

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<sup>31</sup> 24 C.F.R. § 983.252(a)

<sup>32</sup> 24 C.F.R. § 983.252(b)

<sup>33</sup> See 24 C.F.R. § 983.261(a)

<sup>34</sup> *Id.*



March 2, 2022

VIA E-MAIL

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**RE: RESPONSE TO PROPOSED FY 2022-2023 ANNUAL PLAN – PUBLIC COMMENT**

Thank you for taking the time to review and offer recommendations for the Los Angeles County Development Authority's (LACDA) proposed Fiscal Year (FY) 2022-2023 Public Housing Admissions and Continued Occupancy Policy (ACOP) and Housing Choice Voucher (HCV) Program Administrative Plan changes.

The LACDA has reviewed the Disability Rights California (DRC) recommendations and kindly provides the following responses:

- 1. Conducting Annual Reexaminations Online Only**
  - a. The LACDA should provide alternative methods for reexaminations for individuals who are unable to navigate the online system.**

The LACDA Agrees with this request and will provide the alternative methods when visibly noticeable or upon written or oral request. To ensure that people with disabilities are made aware of their rights, the LACDA has amended its proposed policy to include the following statement to its ACOP and Administrative Plan:

*“For people limited by a disability, the LACDA will engage in any necessary discourse to identify other reasonable alternatives to address the needs of the person that is limited by the disability to ensure that the annual reexamination requirement is fulfilled.”*

- 2. Additions to the Lease**
  - a. DRC urges the LACDA to not add the requirement that former family members who want to be added back to a Public Housing Program lease to be subject to a criminal background screening and suitability requirements. Former family members are able to return to the lease within 120 days after their move out.**



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Executive Director: Emilio Salas  
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Currently, criminal background and suitability screenings are conducted and reviewed for all new applicants and additions to the lease. The LACDA is expanding the list of acceptable additions to the lease to allow family reunification. To be consistent with this ACOP policy, the LACDA will be conducting criminal background and suitability checks for new proposed additions to the lease.

**3. Safety and Crime Prevention Element**

- a. **The LACDA continues to implement its Community Policing Program (CPP) in public housing through contracts with the Los Angeles Sheriff's Department and the Long Beach Police Department.**
- b. **Residents and visitors of public housing can be subject to outsized police attention due to police presence in public housing and increased enforcement for infractions such as violation of any curfew or loitering policies.**

The LACDA's CPP, which began in 1993, is a partnership between the LACDA, the LACDA's residents, and the Los Angeles County Sheriff's Department (LASD), or the Long Beach Police Department (LBPD). These contracts with the two public safety agencies focus on crime prevention for families and seniors, youth intervention, and problem-solving approaches to address crime and quality of life issues identified by the residents. The CPP personnel work with management to meet shared goals of alternatives to incarceration and eviction prevention through services offered to residents. Through the collaborative work of the CPP, the LACDA's housing developments have seen more than a 70% decline in criminal activity, which significantly has improved the residents' quality of life over the years due to the positive presence of CPP.

**4. Progress Report: Reduce Homeless in Los Angeles County Objectives (Project Home Key)**

- a. **DRC urges the LACDA to ensure that such purchases are not displacing existing tenants in these motels and inns, and that full relocation monies and services are provided to tenants who do not qualify to be housed at these properties.**

Rest assured that Los Angeles County, as a part of Homekey 2.0, requires that all Homekey Project properties have tenant relocation plans. If eligible tenants are able to remain housed on the property, all efforts are made to keep them housed.

**5. Reasonable Accommodation – Notice of Right to Request a Reasonable Accommodation**

- a. **The LACDA should inform all applicants, participants, and tenants, in writing, that they may request a reasonable accommodation during the admissions process, annual reexamination process, and as part of any major changes (such as an increase in tenant's rent portion) or adverse action proposed by the LACDA.**
- b. **The LACDA should plan on how individuals can be notified during these various stages of program participation, and these procedures of**

**notification should be outlined in both the ACOP and the Administrative Plan.**

In practice, the LACDA ensures that applicants and participants/residents are notified of their right to request a Reasonable Accommodation and provides the Reasonable Accommodation Request form at various times of interaction with the housing programs.

For transparency, the Administrative Plan Section 1.10, *SERVICE POLICY*, now includes policies affirming that these notices are provided during the following stages:

- Admission Application;
- Annual Reexamination;
- Voucher Briefing Session (for new applicants and tenants moving between units); and
- During adverse actions.

Correspondingly, under the ACOP, the Public Housing Program ensures applicants and residents are notified of their right to request a Reasonable Accommodation and Reasonable Modification.

For transparency, the ACOP Chapter 1, Section D, now includes a statement affirming that these notices are provided during the following stages:

- Lease-In Application;
- Annual Reexamination; and
- During adverse actions.

**6. Reasonable Accommodation - Verifying Disability and the Need for Accommodation**

- a. The sections of the ACOP and Administrative Plan that discuss verification of disability and need for reasonable accommodation should provide clarity and expansion from its current language on who can provide verification.**
- b. The ACOP and Administrative Plan should include additional language that reflect the California Fair Housing regulations. The regulations limit information sought to only what is necessary to establish that the individual has a disability, describe the needed accommodation, and show the nexus between the disability and the necessary accommodation.**
- c. The LACDA should not seek information about any particular diagnoses, medical condition, the severity of the disability, medical records, medical history, or other disability or medical issues unrelated to the request or beyond what is necessary to establish the disability-related need.**
- d. Where submitted paperwork [For a Reasonable Accommodation] was not properly retained in the file by the LACDA or has been lost or misplaced**



**by the LACDA, the burden should not be on the household member to resubmit.**

DRC should note that Administrative Plan, Section 7.11.6, Verification of Disability, which states that, “*verification of disability is receipt of Supplemental Security Income (SSI), or Social Security Disability Income (SSDI), or written verification by the appropriate diagnostician,*” pertains to the verification of HUD’s definition of disability. This definition is used to verify and establish HUD required income and medical expense allowances and deductions.

Instead, Section 7.11.10, Reasonable Accommodation, pertains to the verification of a disability for purposes of reasonable accommodation. Rest assured that the LACDA’s documents specifically indicate that the LACDA does not require the disclosure of information about any particular diagnoses, medical condition, the severity of the disability, medical records, medical history, or other disability or medical issues unrelated to the request or beyond what is necessary to establish the disability-related need.

Aside from the Administrative Plan, the LACDA provides families with written and oral information pertaining to Reasonable Accommodation. As you are aware, Reasonable Accommodation is an all-embracing rule that provides families and government agencies, such as the LACDA, many flexibilities and considerations. The LACDA ensures that its formal and informal processes for requesting Reasonable Accommodations are available and simplified to meet each person’s individual needs.

Similarly, the ACOP policy provides examples of verification sources including, physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social worker. However, the LACDA agrees with your recommendation to further expand the list of sources to include peer support groups, a non-medical service agency, or any reliable third-party who is in a position to know about the individual’s disability.

Under the ACOP, residents that request a Reasonable Accommodation and/or Reasonable Modification, where the disability is not readily known or apparent, must submit additional forms to the management office. While these forms provide guidance and instructions, the LACDA will incorporate additional language per DRC’s recommendation regarding California’s Fair Housing regulations limit on information sought to only what is necessary to establish that the individual has a disability.

While every effort is made to avoid lost or misplaced paperwork, and subsequent inconvenience to the tenant, the LACDA cannot waive HUD requirements or ACOP policy and at times is required to work with the tenant to provide replacement paperwork.

## **7. Reasonable Accommodation - Requirement to Engage in the Interactive Process**

- a. **Consistent with applicable law, e.g., the HUD/DOJ joint statement on reasonable accommodation, the language should reflect a requirement that the LACDA engage in the interactive process.**

The LACDA currently practices the HUD/DOJ recommended interactive process. Before making a determination whether to approve or deny the request, the LACDA may enter into discussion and negotiation with the family or request more information from the family. If the LACDA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the LACDA's operations), the LACDA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the rental assistance programs and without imposing an undue financial and administrative burden.

For transparency, the LACDA has included language in its Administrative Plan informing the public and its families of the interactive process, which is now in Section 1.10.8, Interactive Process.

## **8. Eligibility and Sustainability Screening**

- a. **The LACDA should add the following language to every instance where the ACOP and Administrative Plan reference arrests and/or convictions: *“Pursuant to the Fair Housing Act and Notice PIH 2015-19, the LACDA will never use arrest records or police reports as the sole basis for denying admission, terminating assistance, or evicting tenants from public or other federally subsidized housing. Additionally, the LACDA will not impose a blanket prohibition on any person with any conviction record and will take into account the nature, severity, and recency of an individual's criminal conduct.”***

Under the Administrative Plan, Section 2.8.3 and Section 15.9, both titled Consideration of Circumstances, policies exist that affirm that the LACDA considers all relevant circumstances when deciding whether to deny assistance based on a family's past history, except in situations for which denial of assistance is mandatory.

Under the ACOP, Chapter 1 Part II Section B, language is provided that affirms that the LACDA is permitted to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history, except in situations for which denial of assistance is mandatory.

However, given that the HCV program is the primary vehicle for housing the unsheltered, many of which have unavoidable interactions with law enforcement as a result of their housing condition, the LACDA has amended each section of the Administrative Plan to include the following statement: “In accordance with PIH Notice 2015-19, the LACDA will not use an arrest record or police report as the sole basis for a decision”.

## 9. Minimum Rent and Hardship Exemptions

- a. PHAs must notify tenants of the hardship exemption.
- b. The Administrative Plan provides no such procedures and should include them.
- c. Both the ACOP and the Administrative Plan should provide notice of the hardship policy to every adult in the household during intake, both orally and in writing and in all termination notices.
- d. The PHA is also required to suspend the minimum rent charges beginning the next month after a hardship request is received, until such time that a PHA has determined whether to grant the request.
- e. This policy is found in neither the ACOP nor the Administrative Plan.

The LACDA's Administrative Plan, Section 6.6.1 "Minimum Rent" and Minimum Family Contribution, specifies that, *"the LACDA will waive the minimum rent requirement in cases where the family documents that they do not currently have any source of income such as in the case of some homeless families."* The policy is proactive and provides for immediate relief from any rental hardship.

Similarly, the ACOP, Chapter 5 Section A, states *"The LACDA will immediately grant the minimum rent exception to all families who request it. The minimum rent will be suspended until the LACDA determines whether the hardship covered by statute, is temporary or long-term."* The policy is proactive and provides for immediate relief from any rental hardship.

## 10. The LACDA Hearing Procedures - Right to Examine Relevant Documents Prior to the Hearing

- a. Both the ACOP and the Administrative Plan require the tenants to bear the expense of obtaining a copy of their file and documents. The LACDA should have a quick and easy fee waiver process that does not further burden or delay the tenant's right to a hearing and review of relevant documents prior to the hearing.
- b. To ensure that tenants receive the documents with enough time to prepare a defense, the LACDA should have discrete timelines for the disclosure of such information. DRC recommends providing tenants documents no later than 10 days prior to the hearing.

Under the HCV program, when a Notice of Hearing is provided to the family, the notice is sent fifteen (15) days in advance of the scheduled hearing date. The Hearing Notice informs the family that they have the option to be represented by an attorney or another person of their choice. Hearings are scheduled as expeditiously as possible and in consideration of the family's circumstances. Although the Administrative Plan currently states that the family will bear the cost of copying documents, the LACDA does not presently practice this policy given the income level of the hard to house populations being served. The Administrative Plan has now been updated to reflect its current practice.

To clarify the ACOP policy on Hearing Procedures, residents have the opportunity to examine and copy all documents, records and regulations of the LACDA that are relevant to the hearing, at any time prior to the hearing, with at least a 24-hour notice to the LACDA. The scheduling of hearings under the ACOP are in part dependent upon a Hearing Officer's availability, however hearings are scheduled as expeditiously as possible. Should the resident require a continuance of the hearing, including additional time necessary for preparation, the tenant can submit a written request to the LACDA within three (3) business days of the scheduled time of the hearing. The tenant's written request must provide a reason for the continuance. (Chapter 14 Section E).

The LACDA will take DRC's fee waiver recommendation into consideration for both programs.

11. **The LACDA Hearing Procedures – Right to Bring and Advocate and to Reschedule**
  - a. **Upon request, the LACDA should allow reasonable continuances to obtain an attorney. Additionally, the LACDA or hearing officers should direct tenants with intellectual disabilities to legal assistance. These practices and policies should be reflected in both the ACOP and the Administrative Plan.**
  - b. **The PHA must schedule the hearing promptly and at a time and place reasonably convenient to both the tenant and the PHA. The PHA should also allow for a hearing to be rescheduled for good cause, including as a reasonable accommodation for a person with a disability or to allow a participant time to obtain an attorney. This right to reschedule should be reflected in both the ACOP and the Administrative Plan.**

Rest assured that the LACDA schedules hearings promptly and at a time and place reasonably convenient to both the tenant/resident and the LACDA. Given that each family's circumstances and needs are unique, the LACDA cannot encapsulate or account for each situation. Instead, the LACDA staff opens a channel of communication to ensure that each family's unique needs are met.

The LACDA is required by HUD to take action within certain reasonable timeframes to provide clients the right to a hearing under an adverse action, regardless of disability. Pursuant to federal laws, the LACDA cannot distinguish between disability types and instead remain flexible to meet each individual's/family's needs, regardless of disability. Should the client seek legal counsel, at or in between, and after a hearing determination is made, the LACDA alongside the counsel will reevaluate the circumstances of the case and render a decision.

12. **The LACDA Hearing Procedures - Meaningful Access to the Hearing and Terminations**
  - a. **For Limited English Proficiency (LEP) Persons, the PHA must take affirmative steps to ensure that the resident or participant has meaningful access to the grievance and hearing procedure. This means providing an appropriate interpreter, both for the informal conference and the hearing,**

at no cost. The PHA should also translate or interpret all vital documents, including notices, forms, summaries, and decisions into the resident's primary language.

- b. The LACDA should outline policies and procedures in the ACOP and the Administrative Plan to provide effective communication to individuals with disabilities in accordance with Title II of the Americans with Disabilities Act. This means providing auxiliary aids and services for people who need them to communicate.
- c. The ACOP and the Administrative Plan must make clear that the LACDA has the burden, by a preponderance of credible evidence, that the household member committed the program violation. Additionally, HUD encourages PHAs to consider the totality of circumstances before terminating a family's assistance.

The LACDA agrees and does provide affirmative steps to ensure that the resident or participant has meaningful access to the grievance and hearing procedure by providing, when requested, an interpreter and translation services at no cost. The LACDA will take these comments into future consideration.

### **13. ACOP - Chapter 2: Eligibility and Suitability for Admission to Public Housing**

- a. The LACDA should not deny a live-in aide, who is essential to the care of a tenant, if the proposed live-in aide owes rent or other amounts to the LACDA or to another PHA.
- b. DRC requests that the LACDA, in accordance with HUD's guidelines, shorten its look-back period for drug-related criminal activity and violent criminal activity. The LACDA should also reconsider its mandatory, overly restrictive language requiring the LACDA deny admission to public housing to any applicant who has engaged in violent criminal activity within the last three years.

The LACDA does not have a policy to deny live-in aides for previous debts to the LACDA. A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program.

ACOP, Chapter 1 Part II Section B, provides language that affirms that the LACDA is permitted to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history, except in situations for which denial of assistance is mandatory.

### **14. ACOP - Chapter 3: Applications and Management of the Waitlist**

- a. For units designed for the disabled with accessibility features, DRC urges the LACDA to have clear policies and procedures on how individuals on the waitlist who need these units are notified when one is available, and how the information is managed on the waitlist.

The LACDA does not have a policy to notify individuals on the waiting list when a unit with accessibility features is available. Applicants that require a unit with accessibility

features can submit a request for reasonable accommodation once selected from the waiting list in accordance with the ACOP policies. Reasonable accommodation policies are located in Chapters 1 and 3.

**15. ACOP - Chapter 5: Determination of Total Tenant Payment and Family Choice in Rents**

- a. **DRC urges ACOP to get rid of the temporary hardship policy or shorten the time period to no more than 30 days.**
- b. **If the LACDA insists on keeping the repayment agreement policy for temporary hardship, DRC urges the LACDA to get rid of the practice to charge any minimum or lump sum payments up front.**

The LACDA's Public Housing Program will take this request into consideration.

**16. ACOP - Chapter 17: The LACDA Curfew and Loitering Policies and Procedures**

- a. **DRC strongly urges the LACDA to reconsider its curfew and loitering policies and the wide discretion to property managers and law enforcement and security officers to enforce these policies.**

The LACDA's CPP, which began in 1993, is a partnership between the LACDA, the LACDA's residents, and the Los Angeles County Sheriff's Department (LASD), or the Long Beach Police Department (LBPD). These contracts with the two public safety agencies focus on crime prevention for families and seniors, youth intervention, and problem-solving approaches to address crime and quality of life issues identified by the residents. The CPP personnel work with management to meet shared goal of alternatives to incarceration and eviction prevention through services offered to residents. Through the collaborative work of the CPP, the LACDA's housing developments have seen more than a 70% decline in criminal activity, which significantly has improved the residents' quality of life over the years due to the positive presence of CPP.

**17. Administrative Plan – Chapter 2: Live-in Aide**

- a. **The Administrative Plan should broaden who can provide the verification for a live-in aide; the word "professional" can be restrictive. California's fair housing regulations note that, "any other reliable third party who is in a position to know about the individual's disability or disability related need for the accommodation," may provide information confirming a person's disability or need for an accommodation.**
- b. **An individual should not be barred from serving as a live-in aide where they owe a debt to the LACDA or any other PHA, as said debt does not reflect on their qualification to serve as a live-in aide. In addition, the benefit of housing accrues to the family, and only incidentally to the live-in aide, who has no tenancy. The constraint on live-in aides should be limited to exclude a person who would, "not be living in the unit except to provide the necessary supportive services."**

The Administrative Plan is written to be in accordance with PIH notice 2010-51 - Over Subsidization in the Housing Choice Voucher Program, where it states that “a health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size voucher), the live-in aide must be identified by the family and approved by the PHA first.”

The LACDA does not have a policy to deny live-in aides for previous debts to the LACDA. A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program.

#### **18. Administrative Plan - Chapter 5: Subsidy Standards**

- a. DRC requests that the Administrative Plan be clarified to make explicit that the LACDA will not count living rooms as bedrooms in making voucher size determinations.**

Under regulation 24 CFR §982.402, the LACDA has the discretion to set its Subsidy Standards to provide for the smallest number of bedrooms needed to house a family without overcrowding. Although the LACDA understands that there is a distinction between “bedrooms” and a “living room,” the LACDA reserves the right to permit a family to lease a zero-bedroom, which is considered a studio. Stating in the Administrative Plan that the living room will not count as a bedroom may have the unintended effect on families, since it may lead them to misconstrue the policy to mean that studio apartments are not permitted for occupancy under the HCV program.

Given the shortage of affordable housing, coupled with the unsheltered crisis, the LACDA will review its Subsidy Standards and Maximum Occupancy and Unit Occupancy policies to clarify the use and permissibility of a zero-bedroom/studio in the future.

#### **19. Administrative Plan – Chapter 11: Reexaminations**

- a. The LACDA should clarify the following for tenant rent decreases: “The decrease will be effective on the first day of the month following the month the change was reported and all documents are received and verified.”**
- b. DRC also urges the LACDA to make the decrease effective the month of the change in income.**

The LACDA reviewed its interim reexamination policy and ensured that the policy and procedures is clear and similar to those written across neighboring PHAs and Counties. For nearly a decade, the LACDA has been committed to combatting the Los Angeles County homelessness crisis and is engaging in homeless mitigation efforts. This commitment has led the LACDA to carefully balance its rental assistance funding to maintain its families housed while ensuring funding is available to house additional unsheltered families. At this time, given the expense and dire circumstances surrounding the unsheltered, compounded with the COVID-19 pandemic, the LACDA is ensuring that its limited federal funds are used strategically to maximize housing for the unsheltered.

## **20. Administrative Plan – Chapter 13: Voucher Mobility and Portability**

- a. **The Administrative Plan should only indicate the mandatory and discretionary reasons for which the PHA may deny a family’s request to move under Federal Regulations.**
- b. **The Administrative Plan should describe how the LACDA will manage families who requested a move, but funding shortfalls impede its ability to issue the voucher.**
- c. **(Citing PIH Notice 2016-09) PHAs must establish a process for addressing these requests. The process must include: (1) how the PHA will inform families of its process for addressing these requests; (2) how long the request to move will remain open for consideration; and (3) how the PHA will notify families with open requests when the funds become available. Before the family’s request to move is closed.**

Aside from providing an exception to restricting moves during the initial lease term for the reasonable accommodation of an individual with disabilities, Administrative Plan Section 17.2.2, Requests to Move, states the following:

*“Under special circumstances indicated below, the LACDA may make an exception and allow a family to move without paying the entire balance of the debt if the family is current or can become current with its payments...”*

Although not stated, the LACDA always considers reasonable accommodations to this policy for persons with disabilities. As such, the LACDA will include a statement regarding a client’s rights to request a reasonable accommodation to this policy.

The LACDA will take these comments pertaining to HCV Program funding shortfalls into consideration.

## **21. Administrative Plan – Chapter 19: Enhanced Vouchers**

- a. **The Administrative Plan should require owners and landlords to include an enhanced voucher lease addendum.**

Families residing in a unit that is impacted by an owner opting out of a HUD contract event triggers HUD to provide the LACDA Tenant Protection Vouchers (TPV). The TPV is similar to a Housing Choice Voucher (HCV), other than the methodology used to calculate the family’s share of the rent. Families eligible for such TPVs are not required to apply for the voucher. Instead, the eligible family will be admitted as a special admission.

Under HUD regulations, owners opting out of a HUD contract are required to provide a 90-day notice of the opt-out and to notify the family of their right to stay and the availability of TPVs (24 CFR §886.111(a)).

Under the HCV Program rules, when the owner uses a standard lease form for rentals to unassisted tenants in the locality or the premises, the lease must be in such standard form (plus the HUD-prescribed tenancy addendum). The HAP contract



prescribed by HUD will contain the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form (24 CFR § 982.308).

As an added safety net measure, the State of California and Los Angeles County have adopted a Section 8 income protection that ensures the family's right to remain in place with subsidized rental assistance.

## **22. Administrative Plan: Chapter 21: Project-Based Vouchers**

- a. While the Administrative Plan does briefly describe what the oral briefing and the briefing packet will include, accepted families can benefit from a thorough briefing packet. The briefing packet should also include: (1) information about available legal aid services in the community; (2) the process for receiving tenant-based rental assistance after terminating the lease for the PBV unit; and (3) a template for informing the owner and PHA of the tenants' intent to terminate the Project-Based Voucher lease. Also, the Administrative Plan should describe the process for families to provide notice to the PHA about its desire to terminate the lease for the Project-Based Voucher unit and include a template for families to use.**

The LACDA's Project-Based Voucher (PBV) Program briefing packet is organized in accordance with HUD requirements, that includes information about the PBV Program and client's rights. The PBV Program also maintains policies, that requires the client to submit to the owner and the LACDA any changes in tenancy or the PBV Program in writing. Should HCV and/or PBV Program requirements or the law change, the LACDA will institute the necessary changes accordingly. It should be noted that all HCV Program assisted families, which includes PBV families, are treated equally and fairly under the program.

In closing, the LACDA would like to again thank DRC for its contributions toward the development of its FY 2022-2023 Annual Plan, and ultimately its families. The LACDA has benefited greatly from the collaboration of Los Angeles County agencies, Community Based Organizations and Legal Advocates over the years. The LACDA welcomes any future feedback to ensure that persons experiencing homelessness and all assisted families have complete access to its rental assistance programs.

Should you have any questions or future recommendations, you may contact Twima Earley, Director, Housing Operations Division at [Twima.Earley@lacda.org](mailto:Twima.Earley@lacda.org) or by phone at (626) 586-1900, or Medina D. Johnson-Jennings, Acting Director, Housing Assistance Division at [Medina.Johnson-Jennings@lacda.org](mailto:Medina.Johnson-Jennings@lacda.org), or by phone at (626) 586-1670.

Sincerely,



TRACIE MANN  
Chief of Programs

TM:MJJ:TE

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB No. 2577-0226

Expires 3/31/2024

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Emilio Salas, the Executive Director  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan for fiscal years \_\_\_\_\_ and/or Annual PHA Plan for fiscal year 2022-2023 of the Los Angeles County Development Authority is consistent with the  
*PHA Name*

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

Los Angeles Urban County

*Local Jurisdiction Name*

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

The PHA plan is consistent with both the Consolidated Plan and the AI since all plans identify and seek to address and assist the Urban County's Homeless population. Further, the plans identify and seek to increase the availability of affordable housing for families with limited means and expand home ownership opportunities for families with limited means, while addressing impediments to affirmatively furthering fair housing.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

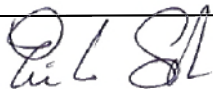
Name of Authorized Official:

EMILIO SALAS

Title:

Executive Director

Signature:



Date: 03/08/2022

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Certifications of Compliance with  
PHA Plan and Related Regulations  
(Standard, Troubled, HCV-Only, and  
High Performer PHAs)**

**U.S. Department of Housing and Urban Development**  
Office of Public and Indian Housing  
**OMB No. 2577-0226**  
**Expires 3/31/2024**

**PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations  
including PHA Plan Elements that Have Changed**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the \_\_\_ 5-Year and/or \_X\_ Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 2022-2023, in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
  - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
  - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
  - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);



APPROVED AS TO FORM:  
RODRIGO A. CASTRO  
County Counsel

*R.A. Castro*

Deputy County Counsel

ATTEST: CELIA ZAVALA  
EXECUTIVE OFFICER  
CLERK OF THE BOARD OF SUPERVISORS

By *LaChelle Smithman*, Deputy



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