



**QUINCY HOUSING AUTHORITY**  
**SECTION 8 ADMINISTRATIVE PLAN**

February, 2009

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## I INTRODUCTION

The Quincy Housing Authority, hereinafter called QHA receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development. The QHA is not a federal department or agency. A public housing agency is a public body created and authorized by state law to develop and operate housing and housing programs for low-income families. The QHA entered into an Annual Contributions Contract with HUD to administer the program on behalf of HUD. The QHA must ensure compliance with federal laws, regulations and notices and must establish policy to ensure proper administration of the program.

The QHA is committed to providing low-income housing opportunities to persons who qualify under the rules and regulations that govern eligibility for both state and federal housing programs. In its effort to achieve this goal, the QHA has explained to its local governing body, civic groups, landlords and realtors, the housing programs being administered by the QHA. Most importantly, they have explained who may qualify, what types of housing each program provides, and how effectively these programs have been put into operation for the benefit of the community.

The overall approach for the program is to maximize the use of standard, existing stock, and provide equal housing opportunities for low-income households by providing housing assistance payments. The status of the need and availability of existing units will be closely monitored, and attempts will be made to satisfy this need as rapidly as possible, consistent with the availability of funds, staff and vacancy rates. The QHA shall, in its policies and procedures, attempt to address the housing needs of its community, and also obtain community support for its programs.

Efforts will be taken to promulgate all aspects of the program to families and to owners. Administrative controls will be implemented, as needed, to ensure full adherence to statutory and regulatory requirements, and proper management procedures.

This Administrative plan incorporates all related statutes, federal regulations and guidebooks. The QHA will comply with all federal statutes and required regulations, as applicable, in administering said voucher programs. Further information regarding the HCV program may be obtained at [www.hud.gov](http://www.hud.gov).

This plan is intended to provide information relative to QHA mandatory and discretionary policies. In the event of any conflict between this plan and applicable law or regulation, the law or regulation shall have precedence. Where reference is made to a law or regulation, the law or regulation, as it may be amended from time to time, shall apply.

Throughout this document the term “Department” or “HUD” shall mean the United States Department of Housing and Urban Development. The term “FMR” shall mean, “Fair Market Rent” for the Federal Section 8 program as determined by the Department of HUD. Other abbreviations will be so noted within the body of this document.

The Quincy Housing Authority is aware of the requirement to provide a Reasonable Accommodation in its rules or policies when so required under the law. Thus, certain policies described herein may be waived in specific situations if to do so is required as a reasonable

accommodation to an individual with a disability. The provision of such accommodation shall not mean that such policy has been altered or amended and the Quincy Housing Authority shall retain full authority to continue to enforce policies as so described within this plan for all other clients.

This document only applies to the Section 8 Program unless otherwise noted.

## II PROCESSING APPLICATIONS FOR ADMISSION

### A. How the Waiting Lists are Maintained

The QHA shall maintain separate waiting lists for its Public Housing and Section 8 Programs. Further, the QHA shall maintain separate waiting lists for Tenant Based Assistance, and Project Based Assistance, however, there shall be only one Project Based Waiting list. The Project Based Waiting list will not be site based.

### Tenant Based Vouchers

The QHA has elected to utilize the Centralized Application and Waiting List process for its Tenant Based Assistance. Over the past few years, the Department of Housing and Urban Development has encouraged the use of a Centralized Waiting list by Public Housing Authorities.

It is anticipated that a Centralized Section 8 Waiting list will afford the Quincy Housing Authority and its clients the following benefits:

1. Ease of application process for participants who may apply at the office of any Housing Authority participating in the centralized waiting list option.
2. Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 Waiting List.
3. Increase housing opportunities for families who now have the potential option of placement at a number of locations throughout the Commonwealth through the submission of a single application.

### 1. Processing Applications

A single, standardized Preliminary Application is available at each participating Housing Authority. A master list of all participating Housing Authorities will be maintained at the office of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (hereinafter MassNAHRO) and at each participating Housing Authority. Only one application will be accepted for each Head of Household.

Upon submission of an application it shall be dated and time stamped by Housing Authority staff and the family will be provided with a standard receipt evidencing submission of the application. The Quincy Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting list.

### 2. Updating the Applications

A family may update its application (i.e. change of address) for Section 8 Tenant Based Assistance at the office of any Housing Authority participating in the Centralized application process regardless of where the original application was submitted. To update the application a written request must be submitted by the family. A receipt will be provided to the family as evidence of said update. The Housing Authority who receives the updated information will give the family a receipt indicating that the family has submitted the update.

## **Project Based Vouchers**

### **1. Processing Applications**

An application form completed in ink or type written and signed by the head of household will be accepted from each individual or family seeking admission to the Section 8 Project Based Voucher Program. A notice informing all applicants of their rights under VAWA will be attached to each application form.

It shall be recommended that applicants come into the office to fill out the application. Accommodations for full and complete access to the process by persons with disabilities will be made on request.

The staff member accepting the application will render all possible assistance. Each completed application will be dated, time-stamped, and numbered when received, and it shall be promptly posted to the master file.

### **2. Determination of Eligibility**

After a completed application is received, the QHA shall make a preliminary determination of eligibility based on current information provided by the applicant, and determine whether the applicant may be entitled to a preference and the appropriate bedroom size required. The Housing Authority may at this time verify information as provided by the applicant, but is not required to do so. The applicant shall be notified of the Authority's preliminary determination and may request an informal review if found ineligible or not to be entitled to a preference category requested. If the Housing Authority makes a preliminary determination that the applicant is not eligible based upon negative history, the applicant shall be reminded of the opportunity to assert rights under VAWA by attaching the VAWA notice, Exhibit G.

Each applicant found eligible after a preliminary review shall be placed on the appropriate waiting lists, and shall be notified in writing of:

- a. waiting list position
- b. control number
- c. preference categories
- d. size of unit appropriate for the family
- e. an estimated waiting time before placement
- f. a final and verified determination of eligibility and qualification will be undertaken prior to occupancy and
- g. the applicant's ongoing responsibility to notify the QHA in writing of any change of address and to respond to any QHA inquiry relevant to the application within the time allowed or be removed from the waiting list.

A folder shall be prepared for each applicant and the application folders shall be filed chronologically.

### **3. Procedures for Removing Names From the Waiting List**

#### **a. Purge of the Waiting List**

Periodically, the application pool shall be analyzed and each applicant shall be contacted by mail to insure that he/she is still interested and still qualified for public housing and/or Section 8. The applicant will be allowed not less than 10 days from the mailing date of the notice to respond. The notice will state the applicable time period for response and that a failure to so respond will result in removal of the applicant from all waiting lists. If the applicant does not respond, is no longer interested, or no longer qualifies, his application shall be immediately withdrawn from the waiting list.

#### **b. Other Reasons for Removal**

In addition to the Annual Waiting List Purge, applicant names will be removed if:

1. the applicant requests removal of his/her name from the waiting list;
2. the applicant fails to respond to a written request to supply information to the Quincy Housing Authority;
3. the applicant fails to attend a scheduled appointment or briefing at the Quincy Housing Authority;
4. the applicant does not meet Section 8 eligibility criteria as set forth in Federal Regulations or by the Quincy Housing Authority rules/policies;
5. The applicant fails to provide any and all documentation requested by the Quincy Housing Authority to verify eligibility.

c. Applicants shall be notified of their removal from the waiting lists and shall further be advised of their right to request an informal review, if the removal was not at the request of the applicant.

d. A QHA decision to remove from the waiting list an applicant family that includes a person with disabilities shall be subject to reasonable accommodation rules. If such an applicant was removed for failure to respond to a QHA inquiry and such failure was the result of a disability, the QHA shall reinstate the applicant to its former position on the waiting list.

### **4. Procedures for Closing and Reopening the Waiting List**

When the Quincy Housing Authority opens the Section 8 Project Based waiting list, public notice will be given so that families are informed that they may apply for housing assistance. This public notice will identify the housing program(s) to which it applies and state where and when the applicant may apply.

The public notice will be published in the following newspaper(s) of general and local circulation: Boston Globe, and Quincy Patriot Ledger. The following minority media will also be employed: Bay State Banner and LaSemana and Sampan. In the event that the above referenced newspaper(s) and/or minority media are not available or practical for use, comparable minority media/newspapers will be utilized by the Quincy Housing Authority. In addition, the QHA will send notices and information materials to outreach agencies, such as the following: Public Welfare Office, Council on Aging, Father Bills, Atlantic Housing, SSARC, SSMH and Quincy Community Action Programs, Inc.

If the QHA determines that the existing waiting list contains an adequate pool for use of available program funding, the QHA may stop accepting new applications or may accept only applications meeting criteria adopted by the QHA. When the QHA closes the Section 8 Project Based waiting list, public notice will be given again, advertising in the same papers of general and local circulation as listed above.

### **5 Special Outreach**

Household types who are least likely to apply, such as the very old, shut-ins, and minorities will be reached through “Special Efforts”. These efforts include: contacting the Council on Aging to aid in bringing the information of the Section 8 Program to their clients, and contacting other public agencies so they can notify those clients which they serve.

### **III ELIGIBILITY FOR ADMISSION**

#### **A. Selection of Families**

The QHA shall determine eligibility of families per the definition of families set forth in Exhibit A of this plan, whose annual income meets the Income Eligibility Limits as set forth below and who are determined eligible pursuant to 24CFR Section 982.552 and 982.553 and this Administrative Plan. Applicants shall be selected from the waiting list based upon date and time of application, income targeting requirements, and preference implemented by the QHA. Additionally, admission of an applicant that is not on the QHA waiting list or whose name has not yet reached the top of the waiting list shall be in accordance with Exhibit A – Special Admissions.

#### **1. Preferences**

- a. The QHA shall give preference to up to ten applicants each year who are successful graduates of the QHA Public Housing Homeownership Program. The definition of “successful graduate” is defined in the Public Housing Homeownership Program Administrative Plan.
- b. The QHA shall give preference to eligible in-place tenants who reside in a Project-Based unit at the time of initial selection of the unit;
- c. The QHA shall give preference to applicants who meet the definition of “local resident” as defined in Exhibit A of this Administrative Plan.

#### **2. Income Eligibility Limits**

To be income-eligible, an applicant must be a family in any of the following categories:

- a. a “very low” income family;
- b. a low-income family that is continually assisted; or
- c. a low-income family that meets the additional eligibility criteria specified hereafter, which criteria its been determined is consistent with the PHA Plan and the consolidated plan:
  - i. in-place families in selected project-based units; or
  - ii. DHP applicants;

#### **3. Income Targeting**

Notwithstanding any other selection preference, of the families initially provided tenant-based assistance or project-based assistance during any QHA fiscal year (July 1 – June 30), not less than 75% shall be families whose incomes do not exceed 30% of the area median income.

Unless another method is set forth by regulation for an Authority to maintain compliance with the above “income targeting”, the QHA will follow the procedure hereafter set forth or such alternative procedure which implements the “income targeting” requirements. Whenever a Voucher is leased, the QHA shall record whether or not the family is:

- a. being initially provided assistance by the QHA; and, if so,
- b. whether or not the family is within the “targeted” lower income limit.

Thereafter, whenever a Voucher is to be issued, the QHA will check such records to determine whether the required 75% targeting percentage (as set forth in the first sentence of this section) would be maintained by the issuance of the Voucher to the next applicant family on the waiting list using the Authority's selection preferences. If not, to comply with Income Targeting, the QHA shall skip higher-income families and select the next applicant who is an income-targeted family. DHP applicants are issued vouchers pursuant to the DHP program and are not to be considered for income targeting within the conventional section 8 voucher programs, nor are the other special admissions as set forth in this Administrative Plan.

### **B. Designated Housing Program (DHP)**

The QHA operates a Designated Housing Program (DHP) for certain non-elderly disabled applicants. The selection of applicants for this program shall continue to be conducted according to the DHP approved by HUD. Any person placed on the Section 8 Project Based waiting list who is also eligible for the DHP program shall be placed on the DHP list.

### **C. Project-Based Assistance**

In an effort to encourage additional affordable rental housing in the city of Quincy, the QHA shall make available Section 8 Project-Based vouchers for eligible households. The QHA's goal is to increase the supply of both mixed income housing developments and target permanent housing developments for low income individuals and families.

The Quincy Housing Authority has determined, based on currently available census data, that all census tracts located in the city of Quincy except for census tract 4178.02 (Germantown) are eligible areas for Project-Based Assistance (PBA). The Section 8 PB vouchers shall be committed for up to a ten-year period

1. Project Based Voucher proposals may be selected by either of the following two methods.

a. The QHA may publish a request for proposals. The QHA will not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals from Project Based Housing on different sites.

b. THE QHA may select a proposal for housing assisted under a federal, state or local government housing assistance, community development or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the Project Based Voucher proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive Project Based Voucher assistance.

Before selecting a Project Based Voucher Proposal, the QHA must determine that the Project Based Voucher Proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing (S. 983.53 and 983.54), complies with the cap on the number of Project Based Voucher units per building (s. 983.56) and meets the site selection standards (s 983.57).

The criteria to be considered when selecting proposals for participation in the PBA program may include, but is not limited to the following:

1. the development shall be in Quincy;
2. the development may be existing housing, newly constructed or rehabilitated housing developed under and in accordance with 24 CFR Part 983 Project Based Voucher Program, final rule, effective November 14, 2005;
3. the development shall meet housing quality standards; and
4. the development shall be in a census tract with poverty rates of less than 20% unless HUD approves an exception;
5. units to be project-based shall be disbursed throughout the development except when these units are located in a 1-4 family building; and
6. preference may be given to developments which have units with 3 or more bedrooms.

In the Project-Based program, the rental assistance is paid for families who live in specific housing developments or units. The QHA may seek to Project-Base up to twenty percent of its total Section 8 allocation. With the exception of projects specifically designated for elderly/disabled families or single family developments, there is a 25% cap on project based units per building. Proposals shall be reviewed and selected for Project Based Vouchers in accordance with 24 CFR 983. Proposals must be in compliance with all requirements of 24 CFR 983 including but not limited to 983.55 Prohibition of excess public assistance, 983.56 Cap on number of units in each building, 983.57 Site selection standards, (including the goals of deconcentrating poverty and expanding housing and economic opportunities; compliance with Title VI of the civil rights act, the site must meet the section 504 site selection requirements, the site must meet the HQS site standards).

#### Site Selection Policy:

The QHA's goal for Project Basing is to increase the supply of both mixed income housing developments and target permanent housing developments for low income individuals and families. The QHA shall ensure that any site selected for Project Based Vouchers is not in a poverty area, and will increase the supply of mixed income housing developments, or target permanent housing for low income individuals and/or families. Existing or rehabilitated housing proposals must meet the requirements of the site and neighborhood standards set out in 983.57 (including (d)), and newly constructed housing proposals must meet the requirements of the site and neighborhood standards set out in 983.57(including (e)).

#### How participants are selected:

##### Protection of in-place families:

The term "in-place family" means an eligible family residing in a proposed contract unit on the proposal selection date. In order to minimize the displacement of in-place families, if a unit to be placed under contract that is either an existing unit or one requiring rehabilitation is occupied by an eligible family on the proposal selection date, the in-place family must be placed on the QHA's waiting list, and once its continued eligibility is determined, given an absolute selection preference. The PHA may deny assistance for the grounds specified in 24 CFR 982.52 and 982.53. This protection does not apply to families that are not eligible to participate in the program on the proposal selection date.

In general, applicants who will occupy Project Based Voucher units will be selected by the QHA from the QHA waiting list. The QHA will maintain a separate project-based list. All other requirements set forth under 24 CFR Part 983 shall apply.

#### **D. Screening of Applicants**

The QHA screens the family for family behavior or suitability for tenancy by considering any information the Quincy Housing Authority may have in its records, including records relating to Quincy Housing Authority operations and records relating to other housing programs. The QHA also screens in relation to criminal history. (This does not include all criminal history.) The Quincy Housing Authority will consider information relating to past history of meeting any housing program requirement, rent payment history, lease violations, criminal activity and other behavior which if exhibited as a program participant would constitute a violation of the family program obligations or constitute grounds for termination of assistance. In accordance with the Violence Against Women Act, the Housing Authority will not deny an applicant admission to the program solely because the head of household or a household member are or have been a victim of domestic violence, dating violence, or stalking.

This screening does not relieve owners of their obligation to screen tenants. The Quincy Housing Authority strongly encourages owners to perform screening prior to accepting any new tenant. Legal procedures utilized by owners to screen market tenants should also be utilized by owners to screen Section 8 participants. Owners shall be reminded of their obligations under VAWA. A notice to Owners with regard to VAWA will be attached to each Request for Tenancy Approval, and VAWA language will be incorporated into the HAP Contract.

#### **E. Reasons for Denial of Assistance 24 CFR 982.552 and 24 CFR 982.553**

A PHA may deny assistance for an applicant because of the family's action or failure to act as described in this section (982.552) or Section 982.553. (Crimes by family members).

The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

Denial of assistance for an applicant may include any or all of the following: denying listing on the PHA 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.

The applicant and applicant household shall be disqualified for Section 8 Assistance for any of the following reasons:

##### **1. Mandatory Grounds for Denial:**

A PHA must deny assistance for a family if the family is determined ineligible for reasons set forth in 24 CFR 982.552, and 982.553.

- a. The applicant does not meet basic eligibility criteria (e.g. annual income exceeds income limit or no family member has citizenship or eligible non-citizenship status).
- b. The applicant or any member of the family fails to sign and submit required forms (such as the authorization for release of information or declaration of citizenship and non-citizen status. Refusal to sign a citizenship form or declaration of eligible non-citizen status by some family members is not grounds for termination as long as at least one family member does have citizenship or eligible non-citizen status).
- c. Any household member has been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing.

- d. The QHA determines that any household member is currently engaged in illegal use of drug.
- e. The QHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- f. The QHA determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.
- g. The applicant/household member was evicted from housing assisted under the program for serious violation of the lease.
- h. The applicant or any member of the household was evicted because of drug-related criminal activity from housing assisted under the U.S. Housing Act of 1937, for a minimum of a three-year period beginning with the date of such eviction, unless the applicant has successfully completed, since the eviction, a rehabilitation program approved by the Quincy Housing Authority. The applicant must show that through rehabilitation the Quincy Housing Authority can be reasonably certain that the applicant or household member will not engage in similar conduct in the future.

**2. Discretionary Grounds for Denial:**

The QHA may deny assistance to an applicant if the applicant or any household member:

- a. has violated any family obligations under the program as set forth in 982.551;
- b. has violated any family obligations under the Section 8 Program or any other housing program;
- c. has been evicted from Federal or State public housing in the past five years;
- d. has had assistance terminated under the Section 8 Program by a Housing Authority;
- e. has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal Housing Program;
- f. currently owes rent or other amounts to the Quincy Housing Authority or another Housing Authority in connection with Section 8 or Public Housing Program.
- g. has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;
- h. has breached an agreement with the Quincy Housing Authority to pay amounts owed to a HA, or amounts paid to an owner by a HA,
- i. has engaged in or threatened abusive or violent behavior towards the personnel of the Quincy Housing Authority or another Housing Authority's personnel;
- i. has failed to correctly state household income, household members, or any other significant or required information on the application or recertification;
- j. has failed to allow inspection of the dwelling unit proposed for Housing Assistance;
- k. has engaged in destruction or damage to the dwelling unit or creating and maintaining a significant health and safety hazard in or about the unit.
- l. falls within any of the other grounds for termination or denial as set forth in 24 CFR 982.552 or 982.553.
- m. has violated family obligations or destruction of a previously occupied unit under another housing program.
- n. has sexually harassed a housing authority employee.

- o. fails or refuses to sign and submit consent forms for obtaining information in accordance with applicable federal regulations, including 24 CFR part 5 relating to evidence of citizenship or eligible immigration status, and any other information (including but not limited to social security numbers) which the QHA is authorized to request or obtain.
- p. has failed to report to the QHA, within 10 days of the change, any changes in family composition, or status as may be required by 24 CFR 982.551 or other HUD regulation or this plan, and or failure to comply with annual recertification including verification of all income, assets, family composition, etc.
- q. has committed violent or drug related criminal activity or other criminal activity which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

The QHA may deny assistance for criminal activity by a household member, pursuant to any of the grounds set forth above, if the QHA determines, based upon a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

In Accordance with the Violence Against Women Act, the Housing Authority will not deny an applicant admission to the Section 8 Program solely because the head of household or a household member is or has been a victim of domestic violence, dating violence, sexual assault or stalking.

**F. Informal Review Procedures for Applicants – 982.554(a-d)**

1. The Authority shall send an applicant written notice by delivery or first class mail postage pre-paid of a decision denying assistance to the applicant. Denial of assistance for an applicant is currently defined at 24 CFR 982.552 (a) (2). The notice will state the reasons for the decision, remind the applicant of their rights under VAWA by attaching Exhibit G to the notice and further advise the applicant that he/she may request an informal review of the decision if requested in writing within ten (10) days of the date of the notice. Request must be delivered to the QHA or sent by first class mail to the Authority and received within the 10-day period. The QHA is not responsible for mail not received.

The informal review will be conducted by the Executive Director, or his designee. The applicant will be given the opportunity to present written or oral objections to the decision. The Authority will respond in writing with a decision, including reasons for the decision, within 30 days. The Authority’s procedure for Informal Review shall be as set forth in 24 CFR 982.554.

An informal review shall not be required for cases described in 982.554( c), which currently lists the following :

- a. discretionary administrative determination by the Quincy Housing Authority.
- b. general policy issues or class grievances;
- c. A determination of family unit size under the Quincy Housing Authority subsidy standards;

- d. The Quincy Housing Authority's determination not to approve an extension or suspension of voucher term;
- e. The Quincy Housing Authority's determination not to grant approval of the tenancy;
- f. The Quincy Housing Authority's determination that a unit selected by the applicant is not in compliance with HQS;
- g. The Quincy Housing Authority's determination that the unit is not in accordance with HQS because of the family size or composition.

**2. Informal Hearing for Non-Citizen Rule Matters – 982-554(d)**

The informal hearing provisions for denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5. The QHA shall provide a copy of the relevant regulation to the affected applicant.

## **IV ISSUANCE OF VOUCHER/HOUSING SEARCH**

### **A. Notification to Issue Voucher**

When an applicant's name reaches the top of the waiting list, he/she shall be so notified. The notice will include a date (not less than 10 days from the date of the letter) in which the applicant must supply updated verification of income and other circumstances in order to be determined eligible for a Voucher.

Those applicants who fail to respond within the prescribed period of time shall be removed from the waiting list, unless documented evidence is provided that the family was unable, due to health or disability reasons, to comply with the deadline requirements. All notices returned undeliverable shall cause applicant's name to be withdrawn and removed from the waiting list.

When an applicant is eligible for a Voucher, the date the Voucher is issued is logged on the Waiting List. The applicant shall be scheduled for a Briefing Session.

### **B. Term of the Voucher; Extensions; and Suspensions – 982.303**

#### **1. Term**

Term of the voucher is for an initial one hundred twenty (120) days from the initial date that is stated on the family's voucher. If the family fails to find a suitable unit and can document diligence with regard to the housing search on the part of the family, a thirty (30) day extension may be provided. Additional thirty (30) day extensions may be provided if additional diligent effort with no result is demonstrated or pursuant to section 2 below, up to a maximum of a six-month term.

#### **2. Extensions**

Extensions on the voucher will be granted only upon the family's request for an extension prior to the expiration of the voucher and together with the family's submission of documentation satisfactory to the QHA that the family has made diligent search efforts. If the family is qualified for, needs and requests an extension of the initial voucher term as a reasonable accommodation, to make the program accessible to a family member who is a person with disabilities, the QHA must extend the voucher term up to the term reasonably required for that purpose.

#### **3. Suspension**

The QHA will grant a family a suspension of their voucher term if the family has submitted a request for lease approval during the time of the voucher. The QHA will grant a suspension for any part of the period after the family has submitted a request for lease approval up to the time when the QHA approves or denies the request. The QHA may also consider a suspension of a voucher term for medical reasons such as hospitalization and/or serious illness.

#### **4. Record of Search**

The Record of Search Log is to be maintained by the family concerning contacts he/she made in the search for an appropriate rental unit. A list of the names of realtors/owners/agents contacted as well as units viewed by the family shall be contained within the search log.

**C. Discretion to Permit a Family to Submit More Than One Request for Tenancy Approval (or a Request for Lease Approval) at a Time - 982.302(b)**

The QHA will accept only one Request for Lease Approval (or one Request for Tenancy Approval) at a time from a family for processing. If the unit is rejected, or the family prefers to select another unit, the family may submit another Request for Lease Approval (or Request for Tenancy Approval). Only once the initial Request has been processed by the QHA or withdrawn by the family, will the second RLA be processed by the QHA.

**D. Assisting a Family That Claims Discrimination has Prevented them from Leasing a Unit – 982.304**

In the event that a family informs the Quincy Housing Authority that they have been illegally discriminated against and, due to such discrimination, they were prevented from leasing a particular unit, the family will be provided with appropriate Discrimination Complaint Forms and/or information which may include.

1. A Massachusetts Commission Against Discrimination (MCAD) Complaint Form
2. A HUD Discrimination Complaint Form

The family may also be provided with the telephone numbers for the following:

HUD's Fair Housing Enforcement Center: - (617) 565-5304

MCAD - (617) 727-3990

## V OWNER PARTICIPATION

### A. Encouraging Participation by Owners in Non Poverty/Minority Areas

The Quincy Housing Authority encourages participation by owners of suitable units located outside areas of poverty or minority concentration.

The QHA has identified areas of poverty or minority concentration as followed: In the city of Quincy, areas of poverty are census tract 4178.02, and areas of minority concentration include census tracts 4172, 4175 and 4178.02. In Milton, no areas of poverty have been identified, but census tract 4162, has been identified as an area of minority concentration. In Weymouth, census tract 4225.02 has been identified as an area of poverty, including most census tracts in Boston except for 1007 and 1009. In Randolph, no census tract has been identified as an area of poverty, with all census tracts being areas of minority concentration in Randolph except census tract 4203.01, and for Boston, census tracts 1006.02 and 1007 have been identified as not having a minority concentration.

The QHA will conduct owner outreach to encourage participation by owners outside areas of poverty or minority concentration. These outreach strategies will include:

- Distributing printed material about the program to property owners and managers.
- Contacting property owners and managers by phone or in person
- Holding owner recruitment/information meetings at least once a year
- Participating in community based organizations comprised of private property apartment owners and managers
- Developing working relationships with owners and real estate brokers associations

### B. Providing Information to Prospective Owners About the Family – 982.307(b)

Under Federal Regulations the Quincy Housing Authority is required to notify prospective landlords of:

1. The family's current and prior address (as shown in the Quincy Housing Authority's records); and
2. The name and address (if known to the Quincy Housing Authority) of the landlord at the family's current and prior address.

Subject to privacy and confidentiality laws:

Upon the request for such information by the prospective landlord and request of the tenant for the release of this information by the QHA, if the information is contained in QHA records, the information will be provided to the prospective landlord by the Quincy Housing Authority.

The Quincy Housing Authority will not provide prospective landlords any additional information related to screening the tenant. The landlord is responsible for tenant screening. The Quincy Housing Authority will inform and educate all landlords with regard to VAWA requirements by attaching the VAWA notice to all Request for Tenancy Approval Forms, and by holding landlord information sessions periodically. Further, the HAP Contract and Standard lease forms shall incorporate VAWA provisions.

**C. Disapproval of Owners – 982.306**

**1. Mandatory Denial**

- a.** The Quincy Housing Authority will not approve a unit if it has been informed, by HUD or otherwise, that the owner is debarred, suspended, or subject to limited denial of participation under 24 CFR part 24.
- b.** When directed by HUD, the Quincy Housing Authority will not approve a unit if 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.
- c.** When directed by HUD, the Quincy Housing Authority will not approve a unit if a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal Equal Opportunity Requirements.
- d.** The Quincy Housing Authority must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the Quincy Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against the Quincy Housing Authority's approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to the Quincy Housing Authority's approval of a new tenancy with continued tenant-based assistance in the same unit.

**2. Discretionary Denial**

The Quincy Housing Authority may deny approval to lease a unit from an owner for any of the following reasons:

- a.** The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- b.** The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal Housing Program.
- c.** The owner has engaged in any drug related criminal activity or any violent criminal activity.
- d.** 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.
- e.** The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
  - 1.** threatens the right to peaceful enjoyment of the premises by other residents;
  - 2.** threatens the health and safety of other residents, of employees of the Quincy Housing Authority, or of owner employees or other persons engaged in management of the housing;
  - 3.** threatens the health or safety of or the right to peaceful enjoyment of their residency by persons residing in the immediate vicinity of the premises; or
  - 4.** engages in drug related criminal activity or violent criminal activity.
- f.** The owner has a history or practice of renting units that fail to meet state or local codes.

- g.** The owner has not paid State or local real estate taxes, fines or assessments.
- h.** Any other reason set forth in HUD regulation or other applicable law for denial of approval of an Owner.

For purposes of this section “owner” includes principal or other interested party. Nothing in this section of the Administrative Plan is intended to give any owner any right to participate in the program.

## VI SUBSIDY STANDARDS

In general, the QHA seeks to provide the minimum commitment of housing assistance payments while avoiding overcrowding and shall be consistent with the applicable housing quality standards.

### A. Occupancy Standards

1. The QHA shall provide one bedroom sleeping room of appropriate size for each 2 persons.

Exceptions to the 2 persons per bedroom room are as follows:

- a. persons of the opposite sex 6 years of age or older will not be required to occupy the same bedroom. This exception shall not apply to husband and wife, “significant others,” or unmarried partners.
  - b. a parent shall not be required to share a bedroom with a child two years of age or older.
  - c. household members of different generations shall not be required to share a bedroom, This exception shall not apply to a parent with a child under the age of two.
2. Families may rent a larger unit than listed on the voucher if said unit is affordable to the family.
3. Families may rent a unit with fewer numbers of bedrooms than stated on the voucher if the unit meets space requirements of the Housing Quality Standards, as well as any applicable state or local codes.
4. The QHA may grant exceptions, relative to the number of bedrooms assigned, as a reasonable accommodation.

The QHA may allow occupancy by a foster child or a live-in aide under certain limited circumstances as determined by the QHA and not inconsistent with federal regulations. Approval of a live-in aide may be granted only if all of the requirements of HUD regulations are met, and if properly documented and verified to the QHA’s satisfaction. Permission to allow occupancy of a foster child or live-in aide shall not be unreasonably withheld.

### B. The Process for Establishing and Revising Payment Standards

The payment standard shall be set by the Quincy Housing Authority in accordance with applicable regulations. From time to time, the Quincy Housing Authority shall review leasing rates and/or the rent burden of assisted families to determine if an adjustment in the payment standard is necessary to assist Section 8 participants. Currently the payment standard is set in accordance with the Board of Commissioners vote on this issue.

### C. Method for Determining Rent Reasonableness – 982.507

The Quincy Housing Authority’s methodology for ensuring that the rent to an owner is reasonable in comparison to similar unassisted units takes into consideration the following factors: location, quality, size, unit type, age, amenities, housing services, maintenance and utilities provided by the owner.

To determine the rent for a unit, the Quincy Housing Authority will review the following information for the unit in question.

1. Location;
2. Quality (meets HQS/Exceeds HQS);
3. Size (average: most rooms are 70-100 square feet: Most rooms are over 100 square feet);
4. Unit type (duplex / 3 decker / garden / townhouse / single family / high rise);
5. Age (old: over 10 years; new: less than 10 years);
6. Amenities (i.e. dishwasher, washer / dryer, newer carpet, refinished hardwood, off street parking, pantry or abundant shelving and cabinets, balcony, patio, deck, porch, alarm system, modern appliances, high quality floors or wall coverings, large and well maintained yard);
7. Housing Services (concierge or other in-house services);
8. Utilities (highest cost not included in rent / highest cost is included in rent).

Owners may be requested to provide information regarding rent charged for other units owned/managed in the building and/or the neighborhood. If there are no such other units, owner may be asked to submit information showing that the rent sought is “reasonable” in comparison to rents obtained for comparable units in the community.

This information will then be compared to the information on file at the Quincy Housing Authority or with its designee. Comparables utilized to establish the reasonable rent will be documented. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the Quincy Housing Authority are higher than the rent which is received by an owner for a “like kind” unit within the same building, the Quincy Housing Authority will only approve a rent equal to that approved for the “like kind” unit within that same building. However, if exceptional circumstances apply (i.e. the unit in question is more desirable because it was recently refurbished or the tenant in the “like kind” unit has been in place for many years), the Quincy Housing Authority may approve the higher rent.

This same rent reasonableness process will be utilized when:

1. the owner requests a rent increase;
2. the Fair Market Rent for the Primary Metropolitan Statistical Area or Metropolitan Statistical Area decreases by more than 5%.

## VII CONTINUED OCCUPANCY

### A. Adding New Family Members

New family members may be added upon notification to, and approval of, the QHA. Said approval may be granted only after full and proper documentation and verification is submitted to the QHA, and the QHA determines that said person may be added as a family member and an occupant of the unit. This determination may take into consideration among other things, the reasons for denial or termination of assistance set forth in this plan, as well as the necessity for any landlord written approval thereof. Except for additions by reason of birth of a new child, adoption or court-awarded custody of a minor, no occupancy shall take place until the QHA has issued its determination and approval.

The QHA will always allow additions to the family in the following instances: birth, adoption, court awarded custody or necessary as a reasonable accommodation. In other circumstances the QHA will allow additional family members so long as:

1. The current landlord provides written approval for the addition to family composition.
2. The additional family member undergoes the QHA screening process for all new Section 8 applicants (including CORI and income determination) and is determined program eligible.
3. The addition will not result in overcrowding.

In all instances, the family must submit a "Request for Addition to Household Form" to the QHA. The QHA will inform the family if the additional family member is "accepted" or "denied" for admittance to the household.

### B. Policy Concerning Residence by a Foster Child or Live-In-Aide 982.551(h)(4)

The QHA may allow occupancy by a foster child or a live-in-aide under certain limited circumstances. The request for a live-in-aide or foster child will be reviewed by the QHA on a case by case basis.

1. A family's request for a live-in aide must be made through the reasonable accommodation process. Approval of a live-in-aide will be granted if:
  - a. it is determined by the QHA that the live-in-aide is essential to the care and well being of an elderly person, a near elderly person, or a person with disabilities;
  - b. the live-in-aide is not obligated for the support of the person, and these requirements are properly documented and verified to the QHA's satisfaction; and
  - c. the live-in-aide would not be living in the unit except to provide for the care of the person.
  - d. the live-in aide signs an acknowledgment that the live-in aide will not be considered a remaining family member upon the death or termination from the program of the person (or family) to whom the live-in aide renders assistance and that the live-in aide shall not be entitled to the person's (or family member's) voucher in these or in any other circumstance.
2. Approval of a foster child will generally be granted if:
  - a. The Department of Social Services has verified that such is an official foster care placement;
  - b. No extenuating circumstances which would lead the QHA to believe the addition of the foster child would be inappropriate, and;

- c. Documentation of the above is provided and verified by the QHA.
3. No occupancy shall take place until the QHA has issued its determination and approval of a live-in aide or foster child.
4. The QHA shall conduct a CORI check of a live-in aide and foster child (if an adult under CORI regulations). Approval of a live-in aide or foster child may be denied if s/he has a history of drug-related or violent criminal activity, or the live-in aide or foster child has been evicted from a federally-assisted housing program.

**C. Family Absence From the Unit – 982.312**

The family may not be absent from the unit for a period longer than sixty (60) days. In the event that a family absence is for longer than sixty (60) days, due to continuous hospitalization or temporary placement in a nursing home, the QHA may determine to allow the sixty (60) day period to be extended for an additional sixty (60) days, upon prior written notification to the QHA and submission of appropriate documentation and verification, as requested by the QHA. No payment will be made after the approved absence period has expired. At the request of the family, a new voucher may be issued for a sixty (60) day period, commencing with the date housing assistance payments terminate, and subject to the QHA's determination that all family obligations have been met.

**D. Who Remains on the Program if the Family Breaks Up – 982.315**

The Quincy Housing Authority is bound by the court's determination if a court determines the disposition of property between members of the assisted family in a divorce or separation decree. When no such court determination has been made, the Quincy Housing Authority shall determine which members of an assisted family will continue to receive assistance if an assisted family breaks up. In making this determination, the Quincy Housing Authority shall consider the interests of all assisted family members. They will then decide which family member receives the voucher on a case by case basis, and the following factors may be included in the Quincy Housing Authority's decision:

1. the interests of any minor child/children;
2. the interests of ill, elderly, or disabled family members;
3. whether, because of obligations under the lease or HAP contract, the assistance should remain with the family members remaining in the original assisted unit;
4. family members past record of fulfilling family obligations under the program;
5. the relative conduct of all parties;
6. whether family members were forced to leave the unit as a result of actual or threatened physical violence, by a spouse or other member of the household, (the QHA shall take this factor into consideration regardless of whether the individual(s) leaving the unit are the victim or the perpetrator);
7. family members remaining in the original assisted unit;
8. if the sole remaining members of the household are all minors, an adult guardian of such minor children may, after screening (income and CORI) by the Authority, be added to the family composition as the new "head of household"; and
9. any other factors which in the discretion of the Quincy Housing Authority will affect the fairness and reasonableness of the determination.

## VIII REEXAMINATIONS

The QHA is required to reexamine each family's income and composition at least annually, and to adjust the family's assistance accordingly. Interim examinations are also required in certain circumstances.

### A. Annual reexaminations:

The QHA will conduct a reexamination of family income and composition annually. The annual reexamination will generally coincide with the family's anniversary date. The QHA will mail an annual reexamination packet to each participant for completion and submission. Deadline for submission of the documentation shall be clearly detailed in the reexamination packet.

### B. Interim Reporting and Processing Policies – 982.516(b)

In addition to the annual reporting requirements relating to family income and composition, there shall be the following interim reporting by the family:

#### 1. Mandatory Interim Reexaminations

All changes in household income, composition, assets or deductions must be reported in writing to the QHA within 10 days of such change and will result in an interim reexamination.

An interim reexamination will be scheduled for families with zero income, or unstable income every 60 days. Participants will be required to appear at the office of the Authority to complete the necessary paperwork and provide verification of income. This requirement however, does not alleviate the family obligation of reporting any change in household income, composition, assets or deduction within 10 days of such changes.

Tenant and HAP payments shall be recalculated as a result of an interim reexamination. Any increase in tenant payment shall become effective no earlier than the 1st day of the second month following the notice thereof to the tenant. Decreases in tenant payments shall become effective the first month after the participant notifies the QHA and provides any necessary documentation.

Staff should use upfront income verification techniques, which is considered a type of third party verification, during all required reexaminations (and initial application, if available) of family income.

#### 2. Minimum Monthly Rental Amount

The minimum monthly rental amount pursuant to Section 507 of the Quality Housing Work Responsibility Act is \$50.00. The regulations found at 5.630 regarding financial hardship exemption from minimum rent shall apply. The QHA must grant an exemption from payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship. Financial hardship is defined as:

a. When the family has lost eligibility for or is awaiting an eligibility determination for a federal, state or local assistance program, including a family that includes a member who is a non-citizen

lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996.

- b. When the family would be evicted because they are unable to pay the minimum rent.
- c. When the income of the family has decreased because of changed circumstances, including loss of employment.
- d. When a death has occurred in the family.

## **IX MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY**

### **A. Denial of Moves**

HUD regulations permit the QHA to deny a family permission to move under the following conditions:

#### **1. Insufficient funding.**

The QHA may deny a family permission to move if the QHA does not have sufficient funding for continued assistance. The QHA must demonstrate that the move will, in fact, result in higher subsidy costs and the QHA must demonstrate that it does not have sufficient funding to accommodate the higher subsidy costs.

#### **2. Policies that Prohibit or Limit Family Moves During the Initial Year of Assisted Tenancy – 982.314(c).**

Currently, the QHA only approves leases with an initial term of one (1) year. Thus, they will require the family to remain in place during the initial year of an assisted tenancy, except in the following circumstances:

1. the owner is in breach of the Lease Agreement and/or the HAP Contract;
2. extenuating circumstances have been brought to the attention of the QHA by the family or owner of the unit and they determine that it is appropriate to grant approval to allow the family to move during the initial year of the assisted tenancy.

Approval will be provided in writing by the QHA. In cases where written approval is not provided, the family will be in violation of this requirement

3. The QHA will also deny a family permission to make more than one elective move during any 12 month period.

### **B. Moving Process**

If a family wishes to move to a new unit, the family must notify the QHA and the owner before moving out of the unit or terminating the lease on notice to the owner. If the family wishes to move to a unit outside the QHA's jurisdiction under portability, the notice to the QHA must specify the area where the family wishes to move. The notices must be in writing.

Upon receipt of a family's notification that it wishes to move, the QHA will determine whether the move is approvable in accordance with the regulations and policies set forth above.

### **C. Portability**

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program.

If neither the head of household nor the spouse/cohead of an applicant family has a domicile (legal residence) in the QHA's jurisdiction at the time the family's application for assistance was

submitted, the family must live in the QHA's jurisdiction with voucher assistance for at least 12 months before requesting portability.

After approving a family's request to move under portability, the QHA will promptly notify the receiving PHA to expect the family. The QHA will further send Form HUD-52665, Family Portability information, with Part I filled out along with a copy of the family's voucher and most recent form HUD 50058.

If the receiving PHA is administering the family's voucher, QHA shall make billing payments in a timely manner.

For any incoming portable family, the QHA will make a decision whether to absorb or administer based upon QHA's funding and staffing levels.

## **X TERMINATION OF ASSISTANCE**

### **A. Termination of Assistance - 982.552**

**1.** The Definition of Termination of Assistance is found in section 982.552. A PHA may terminate assistance for a participant because of the family's action or failure to act as described in this section (982.552) or Section 982.553. (Crimes by family members). The provisions of this section do not affect termination of assistance for grounds other than action or failure to act by the family. Termination of assistance for a participant may include any or all of the following: refusing to enter into a HAP contract or approve a lease, terminating HAP under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures. This section does not limit or affect exercise of the QHA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

### **2. Mandatory Grounds for Termination - 982.552(b)**

The Quincy Housing Authority must terminate assistance for a participant for any of the following grounds:

- a.** A family was or is evicted from housing assisted under the program for serious violation of the lease.
- b.** Any member of the family fails to sign and submit consent forms for obtaining information on family status as part of any examination conducted by the QHA.
- c.** The applicant or any member of the family fails to sign and submit required forms (such as the authorization for release of information or declaration of citizenship and non-citizen status. Refusal to sign a citizenship form or declaration of eligible non-citizen status by some family members is not grounds for termination as long as at least one family member does have citizenship or eligible non-citizen status.)
- d.** The family is under contract and 180 days have elapsed since the QHA's last housing assistance payment was made.
- e.** If any household member has been convicted for manufacture or production of methamphetamine on the premises of federally assisted housing.
- f.** The QHA determines that the family or any household member is currently engaging in illegal use of a drug.
- g.** The QHA has determined that a household member's illegal drug use or a pattern of illegal drug use interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- h.** The QHA has determined that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.
- i.** The QHA has determined that a household member has violated the family obligation under 982.551 not to engage in drug-related criminal activity.
- j.** The QHA has determined that a household member has violated the family obligations under 982.551 not to engage in violent criminal activity.

### **3. Discretionary Grounds for Termination - 982.552(c)**

The Quincy Housing Authority may terminate program assistance for a participant based upon the following grounds:

- a.** The family violates any family obligations under the program as set forth in 982.551;

- b.** The family has violated any family obligations under the Section 8 Program;
- c.** The family has misrepresented any fact or information during the Section 8 application process which, if disclosed at the time of the application, would have constituted grounds for denial of the application;
- d.** A Housing Authority has terminated assistance under the Section 8 Program for any member of the family;
- e.** If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal Housing Program;
- f.** The family currently owes rent or other amounts to the Quincy Housing Authority or another Housing Authority in connection with Section 8 or federal Public Housing Program.
- g.** If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;
- h.** If the family breaches an agreement with the Quincy Housing Authority to pay amounts owed to a HA, or amounts paid to an owner by a HA;
- i.** If a family participating in the Family Self Sufficiency (FSS) program fails to comply, without good cause, with the family's FSS Contract of Participation;
- j.** If the family has engaged in or threatened abusive or violent behavior towards the personnel of the Quincy Housing Authority or another Housing Authority's personnel;
- k.** The family misrepresents income, household members, or any other significant or required information on the application or recertification;
- l.** Failure to allow inspection of the dwelling unit proposed for Housing Assistance;
- m.** Destruction or damage to the dwelling unit or creating and maintaining a significant health and safety hazard in or about the unit.
- n.** Any of the other grounds for termination or denial as set forth in 24 CFR 982.552 or 982.553.
- o.** Violation of family obligations or destruction of a previously occupied unit under a federal housing program.
- p.** Sexual harassment of a housing authority employee.
- q.** Failure or refusal to sign and submit consent forms for obtaining information in accordance with applicable federal regulations, including 24 CFR part 5 relating to evidence of citizenship or eligible immigration status, and any other information (including but not limited to social security numbers) which the QHA is authorized to request or obtain.
- r.** Failure to report to the QHA any changes in family composition or status as may be required by 24 CFR 982.551 or other HUD regulation or this plan, and/or failure to comply with annual recertification including verification of all income, assets, family composition, or other required documentation.
- s.** Family violation of the QHA policy on absence from the unit.
- t.** If any member of the family commits violent or drug related criminal activity.
- u.** Any family member has been engaged in criminal activity or alcohol abuse as described in 982.553(a)(1)
- v.** If a welfare to work family fails, willfully and persistently, to fulfill its obligations under the welfare –to-work voucher program.

**B.** The QHA may terminate assistance for criminal activity by a household member if the QHA determines, based upon a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

**C. The Quincy Housing Authority Considerations**

In deciding whether to terminate assistance, when discretionary on the part of the QHA, because of an action or failure to act by members of the family, the QHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances relating to 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 and such other considerations as may be set forth in 982.551 – 982.553.

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

The QHA shall not terminate assistance to participant family on the basis of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking against the participant family. If the abuser is a family member, the QHA can require the abuser be removed from the lease for his or her acts of domestic violence.

**D. Informal Hearing Procedures for Participants – 982.555**

**1. When an Informal Hearing is Required – 982.555(a)**

The Quincy Housing Authority will give a participant family the opportunity of an Informal Hearing to consider whether the following QHA decisions relating to the individual circumstances of a participant family are in accordance with the law, regulations, and QHA policies:

- a.** A determination of the family’s annual or adjusted income and the use of such income to compute the HAP payment.
- b.** A determination of the appropriate utility allowance for tenant paid utilities from the QHA utility allowance schedule.
- c.** A determination of the family unit size under the QHA subsidy standards.
- d.\*** The Quincy Housing Authority’s determination to deny a family’s request for an exception to the HA’s subsidy standards.
- e.\*** A determination to terminate assistance for a participant family because of the family’s action or failure to act (see 24 CFR 982.552).
- f.\*** A decision to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under QHA policy and HUD rules.

In the cases noted with an \* (d, e and f), the Quincy Housing Authority must give the opportunity for an informal hearing before it terminates HAP payments under an outstanding HAP contract.

## **2. When an Informal Hearing is Not Required – 982.555(b)**

The Quincy Housing Authority is not required to provide a participant family an opportunity for an Informal Hearing for any of the following:

- a. Discretionary administrative determinations by the HA;
- b. General policy issues or class grievances;
- c. Establishment of the QHA utility allowance schedule;
- d. The QHA's determination not to approve an extension of a suspension of voucher term;
- e. The QHA's determination not to approve a unit or a lease;
- f. The QHA's determination that an assisted unit is not in compliance with HQS. (However, a hearing must be granted if termination is based upon HQS breach caused by the family described in 982.551 (c)).
- g. The QHA's determination that the unit is not in accordance with HQS due to family unit size;
- h. A determination by the QHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

## **3. Notice to Family – 982.555(c)**

- a. Situations a - c of Section 1, "When an Informal Hearing is Required;" (adjusted income; utility allowances; family unit size): In situation a, b, and c of section 1, the QHA must notify the family that the family may ask for an explanation of the basis of the QHA's determination and if the family does not agree with the determination, the family may request an informal hearing on the decision.
- b. Situations d – f of Section 1, "When an Informal Hearing is Required;" (exceptions to subsidy standards, termination under 982.552 Family Act, Failure to Act, Absence from the Unit). In cases described in letters d, e, and f, of Section 1, set forth previously, the QHA will give the family prompt written notice that the family may request a hearing.

The Notice Will:

1. Contain a brief written statement of the reasons for the decision;
2. Remind the family of their rights under VAWA by attaching Exhibit G;
3. State that if the family does not agree with the decision, the family may request an Informal Hearing on the decision; and
4. State a deadline within which the family must request the Informal Hearing.

The request for a hearing must be made by the participant in writing, within ten (10) days of the date of the notice from the QHA. A request must be received by the QHA within the ten (10) day period. (The QHA is not responsible for mail not received.)

## **4. Hearing Procedures – 982.555(d) and (e)**

The hearing will proceed within a reasonably expeditious time parameter after the request is made provided that the request is made within the stated deadline. The family may examine, before the hearing, any documents that are directly relevant to the hearing. The family may copy any such documents, at the family's expense. If the QHA does not make the documents available to the family before the hearing upon request of the family, the documents may not be relied upon at the hearing.

The QHA must be given the opportunity to examine at the QHA office any documents the family plans to present at the hearing. The QHA may copy such documents at the QHA's expense. If the family does not make the documents available for the QHA upon request, the family may not rely on the documents at the hearing.

Documents include records and regulations. The family may be represented by a lawyer or another representative at the family's own expense. The hearing will be conducted by a person designated by the QHA. This person will not be the person who made or approved the decision that is the subject of the hearing or a subordinate of such person. This person will regulate the conduct at the hearing in a manner consistent with HUD regulations. Specifically, he /she will ensure the following:

- a. that the QHA and the family are given the opportunity to present evidence;
- b. that the QHA and the family are given the opportunity to question any witnesses;
- c. that evidence is considered without regard to the rules of evidence applicable to judicial proceedings; and,
- d. that a written decision is issued which states the reasons for the decision and that a copy of the decision is promptly furnished to the family.

Factual determinations shall be based upon a preponderance of the evidence standard. The effect of a decision by the hearing officer shall be as set forth in applicable HUD regulations, currently 982.555(f).

## **5. Informal Hearings for Non-Citizen Rule Matters**

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

### **E. Payments by Families Who Owe Money to the QHA – 982.552(c)**

Grounds for denial or termination of Section 8 Assistance include situations in which the family owes money to the QHA or another Housing Authority. The QHA may, in its discretion, based on the facts and circumstances of the case, offer the family the opportunity to enter into a repayment agreement. Factors considered in determining whether a repayment agreement will be offered include, but are not limited to, the following:

1. the amount of money owed;
2. the reason such money is owed and the extent of culpability on the part of family members;
3. the family's evidence of commitment and ability to make repayment.

Generally, a lump sum amount such as 1/3 of the "amount due" must be provided at the time of execution of the repayment agreement. However, the QHA reserves the right to require a larger up-front payment. Additional payments will generally be due and payable in equal monthly installments so that the total amount due is paid in full within six (6) months after the execution of the agreement.

In the event of breach of the agreement by the family (i.e. late or missed payments), the QHA shall retain the right to terminate the agreement and move forward with termination of Section 8 Assistance on grounds originally available at the time of execution of the repayment agreement and on any additional grounds which have become applicable since the execution of the

repayment agreement. In the event that a family makes one or more late payments which are accepted by the QHA, this shall not stop them from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement. The QHA reserves the right to refuse to enter into a repayment agreement with a family if it is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case. Finally, if the repayment agreement is a damage claim repayment, the family will be prohibited from relocating to a new unit until the amount is paid in full.

## XI INSPECTIONS

### A. Consistency With Market Practice

The guidelines and performance standards included herein are consistent with practices utilized in the private housing market. Specifically, in private market units, an occupancy permit may be requested of the owner. To obtain such permit, an inspector from the local code enforcement agency, usually the Inspectional Service's Department for the city will come out to the unit and perform an inspection to ensure that the unit is in compliance with the Massachusetts State Sanitary Code. In the event that the unit does not pass inspection, the owner is provided a written description of the code violations and a time parameter within which to make repairs.

### B. When Inspection Shall be Performed

Inspections will be performed in the following instances:

- 1. Initial Inspection:** Prior to the execution of a Lease or HAP, the unit in question must pass an initial inspection. This inspection will take place and the family and owner will be notified of the results within fifteen (15) days of submission of the Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA).
- 2. Annual Inspection:** Inspections will be performed on an annual basis to ensure that the unit is maintained in a manner which is consistent with HUD Housing Quality Standards.
- 3. Quality Control Inspection:** The required number of inspections, as set forth in HUD's definition of Quality Control Sample, undergo a Quality Control Inspection to ensure that all inspections are performed in accordance with HUD requirements.
- 4. Upon Request of Tenant:** The tenant or the family may request that the QHA perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's Housing Quality Standards.
- 5. Upon Request of Owner:** The owner may request that the QHA perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's HQS. The QHA will only perform such inspection if they determine that performance of such inspection is reasonable.

### C. Standards and Procedures Utilized

The QHA will utilize the acceptability criteria as contained in the Program Regulations and is using a HUD approved modified version of the HUD 52580 Inspection Form or equivalent form. In addition to the Housing Quality Standards, applicable state and local codes will also be observed and utilized. The stricter of applicable codes shall be followed.

- 1.** All Request for Lease Approval Forms will be submitted to the Program Administrator or Supervisor, who will assign the unit for inspection. All inspections and findings shall be followed by an inspection report and determination on rent.

The housing inspector utilized by the QHA has demonstrated knowledge and experience to perform the necessary inspections utilizing the HUD Housing Quality Standards. In addition, the local Board of Health may provide technical assistance as needed to determine the acceptability of any units under the Massachusetts State Sanitary Code.

- 2.** After completing the inspection, a copy of the Report will be sent to the property owner and the applicant, and one (1) copy will be retained in the applicant's file. This form shall serve to indicate repairs which must be completed prior to the execution of a Contract and Lease. Inspections shall be repeated immediately after the required date to ensure compliance, and

recorded on the HUD 52580 or HUD approved modified version or equivalent.

The QHA shall make the final determination of compliance with the HUD Housing Quality Standards and state and local codes. In any disagreement relating solely to QHA interpretation of state and local codes, the QHA may elect to request an opinion from the local Board of Health as to proper interpretation of state and local codes, although any final decision shall be made by the QHA. The QHA will adhere to HUD's Housing Quality Standards as set forth in HUD's new Lead Based Paint Requirements, and the requirements of the Massachusetts General Laws relative to lead based paint.

#### **D. Time Parameter for Repairs and Consequences of Failure to Repair**

1. The QHA requires that the landlord correct any conditions deemed to endanger or impair health or safety within 24 hours. Serious violations of this nature include but are not limited to: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.
2. All other violations must be corrected within thirty (30) days, unless the QHA approves an extension.
3. The QHA will also comply with the time parameters set forth in the Massachusetts State Sanitary Code.

#### Stopping and Resuming Payments after Interim or Annual Inspection

If an apartment fails inspection, the Leased Housing Department/Inspector will notify the Owner of the violations in writing. The Leased Housing Department/Inspector will schedule the re-inspection within thirty (30) days from the date of the inspection.

**(a) Serious Violations and "Stop Payment".** If a serious violation exists, the Inspection Department will notify the owner by telephone that the violations must be corrected within 24 hours. The Leased Housing Department/Inspector may also issue the owner a written letter detailing the serious violations. The Leased Housing Department/Inspector will inform the Owner of a re-inspection date that is at least twenty-four (24) hours after the inspector identified the violations(s). If the Owner fails to correct the violations within the twenty-four (24) hour period, the QHA will place the unit on Stop Payment. The QHA reserves the right to terminate a HAP contract for a unit that is placed on Stop Payment. A Stop Payment will remain in effect until the unit receives inspection approval. The Owner cannot recover Subsidy payments for periods during which a unit is on Stop Payment.

Examples of serious violations include but are not limited to: lack of heat, lack of water, lack of bathing facilities, lack of electricity, lack of gas (where applicable), exposed wiring or other hazardous defects in the electrical system, and dangerous structural defects.

## **(b) All Other violations**

Re-inspection (Follow-up Inspection)

QHA staff will abide by the following procedures in processing re-inspections.

**1. Incomplete Repairs.** When the Owner is in the process of correcting violations resulting from the initial inspection; the inspector will reject the unit and grant the Owner a second period of up to thirty (30) days to complete the repairs. The QHA will then reschedule a second re-inspection date and notify the Owner in writing. The Leased Housing Department/Inspector will send a copy of the second re-inspection notice to the family.

If upon the second re-inspection the Owner has not completed and repaired all cited items set forth in the initial inspection the inspector will note the remaining cited items on the inspection report and recommend to the Director of Leased Housing that the QHA suspend subsidy payments. If the Director approves the recommendation, the Owner will be informed in writing that the QHA has stopped subsidy payments on the unit. The QHA reserves the right to terminate a HAP contract for a unit that is placed on Stop Payment. A Stop Payment will remain in effect until the unit receives inspection approval. The Owner cannot recover Subsidy payments for periods during which a unit is on Stop Payment.

**2. No Effort to Make Repairs.** If the inspector determines that the owner made no effort to repair the previously cited item(s), the inspector will note this on his report and recommend to the Director of Leased Housing that the QHA suspend subsidy payments to the Owner. If the Director approves the recommendation to suspend the subsidy, the Leased Housing Department will notify the Owners of the “Stop Payment” by mailing a letter. A Stop Payment will remain in effect until the unit receives inspection approval. The Owner cannot recover Subsidy payments for periods during which a unit is on Stop Payment.

**3. Cited Items Repaired, New Violations Discovered.** If the inspector determines that the owner has repaired all cited items but discovers new violations during the re-inspection, the inspector will reject the unit. The inspector will notice on the inspection report that the Owner repaired the previously cited items. The inspector will also specify and separately list the new violations in a new inspection report.

The Leased Housing Department/Inspector will then schedule a re-inspection date and notify the Owner in writing. The re-inspection will be within thirty (30) days. New violations in such a unit, for purposes of scheduling re-inspection and imposing suspensions of subsidy payments, will be considered first time violations, unless the violations are deemed “serious” as detailed above.

**4. HQS breach caused by the Family.** For the HQS breach caused by the family, the family must make repairs within the time parameter set forth above otherwise, QHA may terminate assistance to the family. Family caused HQS breach is the following:

- a.** Family fails to pay for any utilities that the owner is not responsible to pay for, but which are required to be paid by the tenant;
- b.** Family fails to provide and maintain appliances that the owner is not to provide but which are to be provided by the tenant;

- c. Any member of the family or a guest damages the dwelling unit or premises (damages beyond reasonable wear and tear).

**E. Subcontractors**

Based on the constant modifications of State and local codes and HUD regulations and the serious nature of HQS performance, the QHA frequently subcontracts out the responsibility of the HQS inspections, and the corresponding Rent Reasonableness surveys to qualified individuals in the inspections field. All subcontractors are selected by their response to a Request for Proposal and qualifications are primarily based upon knowledge and experience in the Housing Quality Inspection field.

## **XII INSUFFICIENT FUNDING**

If at any time, it is determined that the Quincy Housing Authority has insufficient funding to support the HCV Program units currently under contract, the Authority will terminate contracts in accordance with 24 CFR 982.454. Such termination will be in the order of the “Last-In, First-Out”, resulting in the termination of the contracts of participants who have most recently joined the Authority’s HCV Program. The HAP contracts of participants in the Enhanced Voucher or Project Based Voucher Programs will not be considered for termination. The date of entry into the Authority’s program for participants who were admitted as a special admission under Quincy’s MRVP or AHVP Programs will be the date that such participants entered the Authority’s MRVP or AHVP Program. The HAP contracts of participants in the Designated Housing Voucher (Mainstream) Program will not be terminated if there is insufficient HCV funding; however, if there is insufficient DHP/Mainstream Program funding to maintain the units under contract, the order of any contract termination will be as stated above.

### **XIII EQUAL OPPORTUNITY**

The Quincy Housing Authority will:

- 1.** comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and regulations issued pursuant thereto (24 CFR Part 1) which state that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives financial assistance; and will take any measures necessary to effectuate this agreement.
- 2.** comply with the Fair Housing Act (42 U.S.C. 3601-19) and regulations issued pursuant thereto (24 CFR Part 100) which prohibit discrimination in housing on the basis of race, color, religion, sex, handicap, familial status, or national origin, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing.
- 3.** comply with Executive Order 11063 on Equal Opportunity in Housing which prohibits discrimination because of race, color, creed, or national origin in housing and related facilities provided with Federal financial assistance and HUD regulations (24 CFR Part 107).
- 4.** comply with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and regulations issued pursuant thereto (24 CFR Part 8) which state that no otherwise qualified individual with handicaps in the United States shall solely by reason of the handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- 5.** comply with the provisions of the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and regulations issued pursuant thereto (24 CFR Part 146) which state that no person in the United States shall on the basis of age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving Federal financial assistance.
- 6.** comply with the provisions of Title II of the Americans with Disabilities Act (42 U.S.C. 12131) and regulations issued pursuant thereto (28 CFR Part 35) which state that subject to the provisions of Title II, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.
- 7.** comply with the provisions of the Violence against Women Act (VAWA).

When more than one civil rights law applies to a situation, the laws will be read and applied together.

The QHA shall treat all applicants and participants equally, providing the same quality of service regardless of family characteristics and background. Applicants or participants who believe that they have been subject to unlawful discrimination may notify the QHA either orally or in writing. The QHA will attempt to remedy discrimination complaints made against the QHA.

The QHA will provide complainant with information on how to submit a complaint to HUD's office of Fair Housing and Equal Opportunity and Massachusetts Commission Against Discrimination.

## **XIV METHODS OF ADMINISTRATION**

### **A. Use of Special Housing Types (Part 982, Subpart M)**

#### **1. Reasonable Accommodation**

Unless so noted under the specific housing type special housing types shall be provided only if the provision of such serves to reasonably accommodate a person with a disability.

Special Housing types, when required, will be administered according to federal regulations.

### **B. Special Rules for Use of Special Purpose Vouchers**

HUD has provided funding to the QHA for the special programs listed below:

1. The Designated Housing Program

2. Preservation/Enhanced Vouchers

Special rules for these programs are set forth within Exhibit B and Exhibit E of this document.

### **C. Conflict of Interest**

The QHA shall comply with the Conflict of Interest provisions of 24 CFR 982.161.

### **D. Section 8 Management Assessment Program (SEMAP)**

The QHA will operate its housing assistance program with efficiency and will demonstrate to HUD auditors that the QHA is using its resources in a manner that reflects its commitment to quality and service. QHA policies and procedures are consistent with the goals and objectives of the applicable HUD SEMAP indicators currently set forth in 24 CFR Part 985.

### **E. Board Approval of Administrative Fee Reserves – 982.155(b)(1)**

The QHA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for the QHA's fiscal year. Expenditures from the administrative fee reserve will be made in accordance with all applicable Federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the QHA's Board of Commissioners.

## EXHIBIT “A”

### DEFINITIONS:

#### *Local Resident*

A person who lives or works in the city of Quincy, or an adjacent community which is limited to Boston, Braintree, Milton, Randolph, and Weymouth OR who has been hired to work in the City of Quincy or adjacent community at the time of application and at the time of final determination of eligibility and qualification.

In the case of an applicant staying in a homeless shelter, the applicant shall be allowed to select (for residency preference purposes) either the community from which he or she was displaced or the community in which he or she is temporarily housed. Information which may be considered in verifying residency may include, but is not limited to:

- a. municipal voting records or annual street listings
- b. car registration
- c. school registration
- d. rent receipts, tax or utility bills
- e. receipt of public assistance, social security or similar benefits
- f. other information requested by the Quincy Housing Authority.

These documents are not conclusive evidence. The determination shall be made by the Quincy Housing Authority after considering all the information.

There shall be no minimum time period to establish residence.

#### *Homeless Shelter*

A place of temporary residence for homeless persons or families or victims of domestic violence, provided or operated by an agency recognized by the Commonwealth of Massachusetts and/or local government as a provider who has a primary goal/objective to provide temporary shelter to homeless persons or families or victims of domestic violence. Examples: Father Bill’s Shelter, battered women’s shelter or safe homes operated by agencies such as DOVE, Transitional Housing Programs.

#### *Definitions related to family composition*

HUD regulations, currently found at section 5.403, shall define the following terms: Disabled Family; Displaced Family; Elderly Families; Family; Live-in aide; Near-elderly family; Person with disabilities. It is noted that this Plan may refer to a household and/or household members. For purposes of this Plan, the word “household” will have the same meaning as “family”.

#### *Continuously Assisted*

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

***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; and (iii) the frequency of interaction between the persons involved in the relationship.

***Domestic Violence:***

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

***Immediate Family Member:***

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

***Sexual Assault:***

Any conduct proscribed by chapter 109A of Title 18, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

***Special Admission.***

Admission of an applicant that is not on the QHA waiting list or without considering the applicant's waiting list position. The QHA shall maintain records of special admissions.

The QHA currently has one category of special admissions: 1. DHP voucher applicants who are selected from the Authority's public housing waiting list according to the approved DHP.

***Stalking:***

To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such following, pursuit or surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

## **EXHIBIT E**

### List of Project Based Developments

#### **Wollaston Manor**

91 Clay Street  
Quincy, MA 02170

2 Studio apartments  
6 One bedroom apartments

#### **Naval Terrace**

Naval Terrace and Airport Road  
Quincy, MA 02171

9 Two bedroom apartments

#### **The Moorings at Squantum Gardens**

400 East Squantum Street  
Quincy, MA 02170

40 One Bedroom Units