

**COLORADO DEPARTMENT OF LOCAL AFFAIRS
COLORADO DIVISION OF HOUSING
CO-911
2012-2013 PHA ANNUAL PLAN**



**COLORADO DEPARTMENT OF LOCAL AFFAIRS
COLORADO DIVISION OF HOUSING
DIRECTOR – PAT COYLE**

COLORADO DEPARTMENT OF LOCAL AFFAIRS

COLORADO DIVISION OF HOUSING (CO-911)

PHA ANNUAL PLAN

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Executive Summary of Annual Plan

The mission of the Colorado Department of Local Affairs (DOLA), Division of Housing (DOH) is to ensure that Coloradans live in safe, decent, and affordable housing. We do this by helping communities meet their housing goals. DOLA is the only department in the State that has both a Consolidated Plan and a Public Housing Agency Plan.

The Housing Choice Voucher (HCV) Program is a major Federal government program which assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Based on Federal requirements, DOH must provide 75 percent of its vouchers to applicants whose incomes that are lower than 30 percent of the area median income. Median income levels are published by U.S. Department of Housing and Urban Development (HUD) and vary by location.

DOH is one of the designated agencies for the administration of the HCV Program in Colorado. DOH currently administers 2,734 vouchers statewide. DOH's HCV Family Self-Sufficiency (FSS) and Homeownership Programs promote opportunities for families to become economically self-sufficient and to end the cycle of assistance.

DOH must comply with requirements of the (HUD) regarding activities as a Public Housing Agency (PHA) including the development of both a 5-year PHA Plan and Annual Plan. The Annual Plan provides an outline for the implementation of the HCV Program, including information on current needs from the Consolidated Plan and the makeup of the state's existing waiting list. Much of the Plan is developed based on federal requirements. Each year, the Annual Plan is based on the premise that if we accomplish our goals and objectives, we will be working towards the achievement of our mission. The statements and policies set forth in the Annual Plan all reflect the accomplishment of our 5-Year Plan goals and objectives. Taken as a whole, these policies and accomplishments outline a comprehensive approach consistent with the Consolidated Plan.

As part of the Agency Plan review process, DOH appoints a Resident Advisory Board which reviews and comments on components of the Agency Plan. The Advisory Board's comments are included in the Final Plan. The Plan is posted on DOH's website for a 45-day review period for public comment.

This year, DOH has also completed a review of all internal policies and procedures to ensure compliance with changes in federal program policy directives. These policies, contained within the PHA Administrative Plan, are also available for review during the PHA Plan process and incorporated into the PHA Annual Plan.

Annually, DOH conducts a statewide housing survey to determine the number of families on Colorado's PHA waiting lists. The survey, although a snapshot in time, indicates that in January 2011, roughly 58,667 families were waiting for government rental assistance. This substantiates there is not enough deep subsidy rental assistance available to the lowest income renters in Colorado.

DOH tries to enhance our customer service by continuously working with staff to employ quality work practices and initiatives. In addition, DOH applies for additional HCV funding as Notifications of Funding Availability (NOFA) announcements are issued by HUD. DOH strives to improve the quality of life for the participants in these programs and ensure that only those who are truly qualified continue to be assisted, with efforts to identify and counteract instances of fraud. In summary, DOH is continuously working to provide quality affordable housing for extremely low, very low, and low income households in Colorado by operating a high quality Housing Choice Voucher program.

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: <u>The Colorado Division of Housing</u> PHA Code: <u>CO -911</u> PHA Type: <input type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>July 1, 2012</u>				
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: _____ Number of HCV units: <u>2,734</u>				
3.0	Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only				
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)				
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program
					PH HCV
	PHA 1:				
	PHA 2:				
	PHA 3:				
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.				
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:				
5.2	Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.				
6.0	PHA Plan Update (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: <ol style="list-style-type: none"> 1. Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures <ul style="list-style-type: none"> • Revisions were made to clarify applicant screening. See Appendix A. 2. Financial Resources <ul style="list-style-type: none"> • No changes since last plan. 3. Rent Determination <ul style="list-style-type: none"> • Revisions were made to the minimum rent amount and to the amount of increased income that will result in an interim reexamination being completed. See Appendix A. 4. Operation and Management <ul style="list-style-type: none"> • No changes since last plan. 5. Grievance Procedures <ul style="list-style-type: none"> • Revisions were made to the informal hearing procedures. See Appendix A. 6. Designated Housing for Elderly and Disabled Families-N/A 7. Community Service and Self-Sufficiency-N/A 8. Safety and Crime Prevention- N/A 9. Pets-N/A 10. Civil Rights Certification No changes from the last plan. 11. Fiscal Year Audit No audit findings since the last plan. 12. Asset Management-N/A 13. Violence Against Women Act (VAWA) DOLA/DOH has adopted a policy to implement applicable provisions of the Violence Against Women and Department of Justice Reauthorization 				

Act of 2005 (PUB. L. 109-162) (VAWA). DOLA/DOH strives to serve the needs of child and adult victims of domestic violence, dating violence and stalking, as defined in VAWA.

VAWA affords certain protections to an applicant or participant who is or has been a victim of domestic violence, dating violence, or stalking. The act goes on to say that one of the previous mentions criteria is not an appropriate basis for denial of program assistance or for denial of admission of an otherwise qualified applicant. Therefore, The Colorado Department of Human Services will not deny program assistance or terminate program assistance to an individual who is or has been a victim of domestic violence, dating violence, or stalking because of charges or information linked to that violence.

All applicants are briefed upon entry to the program regarding the protections under VAWA. Additionally, each termination notice informs tenants of their ability to declare protection under VAWA, if applicable.

DOLA/DOH will work with each individual victim to identify agencies, activities, services or programs that may be available to help child and adult victims of domestic violence, dating violence, sexual assault, or stalking to enhance victim safety and to maintain housing for assisted families.

In addition, The State of Colorado has a program called, the Address Confidentiality Program (ACP). This program provides survivors of domestic violence, sexual offenses, stalking and/or harassment with a means to prevent abusers and potential abusers from locating them through public records. Enrollment in the ACP provides survivors with a legal, substitute address, which may be used as a residential, school, and work address, and a first-class mail forwarding service.

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.

The PHA Agency Plan for FY 2012 is available for public inspection at the Division of Housing office located at 1313 Sherman Street, Room 518 Denver, CO 80203 between the hours of 9:00 a.m. to 4:00 p.m.

The PHA Annual Plan for 2012 can also be found on the website <http://www.colorado.gov/cs/Satellite/DOLA-Main/CBON/1251596415233> As well as each of our Contractors locations.

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. *Include statements related to these programs as applicable.*

Homeownership Program:

7.0 On October 30, 2000, HUD released Federal Register Part IV, 24 CFR Parts 5, 903, and 982, finalizing the creation of the HCV Homeownership Voucher program. That final rule went into effect on November 15, 2000.

DOH added basic guidelines to the 2000 Annual Plan outlining processes for our participation in the Homeownership Voucher program. For those agencies¹ that contract with the DOH for rental vouchers, this presented an opportunity to take part in the national plan encouraging HCV participants to become the first time home owners in Colorado.

On October 18, 2002 HUD released Federal Register Part II, 24 CFR Part 982, creating the final rule of the HCV Homeownership Program. DOH has been operating the Homeownership Program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982.

	<p>The Homeownership Program is limited to families who are eligible under terms expressed in DOH’s Administrative Plan. In order to be eligible, a family must be a voucher holder for one year and live in that jurisdiction for a minimum of 12 months, be in good standing, and not pay more than 30% of their adjusted income initially towards their total homeownership expense including: principal, interest, insurance, mortgage insurance, homeowners association fees, maintenance, repair, and utilities. Each DOH contracting agency may establish a policy of performing an annual HQS inspection for the duration of the homeownership assistance.</p> <p>DOH has demonstrated capacity to administer a Homeownership Program as evidenced by the 77 families that have successfully purchased a home using this assistance.</p> <p>PBV Program: DOH reserves the right to allocate up to 20 percent of its Housing Choice Vouchers for the potential use under the Project Based Vouchers Assistance Program. The proposed units may be located throughout DOH’s jurisdiction. This potential reallocation of the Project Based Assistance is consistent with DOH’s Agency Plan and goal of providing quality affordable housing to low income families and will increase housing choices for these families. The locations will be consistent with goals of deconcentrating poverty and expanding housing and economic opportunities in accordance with HUD and the DOH Administrative Plan. Project basing is being pursued to compliment the goal to end homelessness and link supportive services to housing.</p> <p>DOH currently administers 25 units of project based voucher assistance to Veterans in Denver, 16 units of project based assistance to assist veterans in Pueblo and 50 project based vouchers to assist formerly homeless individuals and families in Denver. In addition, DOH is exploring options for providing additional project based units for housing choice voucher participants in need of additional support in the community.</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p>
8.3	<p>Capital Fund Financing Program (CFFP). <input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p>
9.0	<p>Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p>Top Housing and Community Development Needs</p> <p>The Colorado Department of Local Affairs (DOLA) conducted an online survey of local, state and federal government officials, self-employed individuals, housing authorities, nonprofit organizations, advocacy groups, private consulting firms, businesses and private citizens. Two hundred and fifty eight (258) persons responded.</p> <p>Survey participants identified the top five needs (most often selected) of their communities as follows:</p> <ol style="list-style-type: none"> 1. Affordable Housing 185 (16%) 2. Transportation 120 (11%) 3. Economic Assistance for Small Business Development/Business Retention 105 (9%) 3. Homeless Services/Shelters 106 (9%) 4. Neighborhood Renewals or Revitalization 101 (9%) 5. Public Facility/Capital Improvements 67 (6%)

Colorado Division of Housing Public Housing Agency Waiting List Survey Results, 2011

Demographics of Waiting List	Colorado
Total Waiting List for Households	58,667
0-30% AMI	50,035
31-50% AMI	7,194
51-80% AMI	1,483
Families with Children	26,492
Elderly Families	10,709
Families with Disabilities	14,018
Hispanic	18,856
Non-Hispanic	39,811
Black	11,911
Native American	1,261
Asian Pacific	2,462

Persons with Disabilities

Colorado’s economy has created new and difficult housing challenges for the State’s special needs population. “Persons with Disabilities” include individuals with chronic mental illness, physical disabilities, developmental disabilities, drug and/or alcohol addiction, HIV/AIDS, and multiple diagnoses. This population generally is unable to hold full-time employment, has higher than normal medical expenses, may require assistance in activities of daily living (e.g. cooking, cleaning, personal care, etc.), and most significantly, has limited income that provides them few options in housing. Their ability to compete in the housing market for affordable and appropriate housing is limited in many cases not only by their lack of income, but also by their need for special accommodations. Many special needs populations are losing ground.

For many individuals, Supplemental Security Income benefits (SSI) provide the bulk of their income. Colorado’s maximum monthly SSI benefit is \$699. According to a 2010 study by the Consortium for Citizens with Disabilities, *Priced Out in 2010*, the average national rent was greater than the amount of income received by persons with disabilities from the SSI program. Specifically, the average rent for a modest one-bedroom rental unit in the United States was equal to 112 percent of SSI benefits. According to a 2010 American Community Survey, 29.3% of persons with disabilities are living at less than 125% of the poverty level.

Homeless Needs

Poverty increases the risk of homelessness. The housing market crisis, predatory lending, and the loss of jobs have all contributed to poverty and impacted families’ well-being, and stability. In 2010, the national poverty rate was 15.1 percent. According to a report by the Colorado Policy Fiscal Institute, Colorado’s poverty rate now stands at 13.4 percent and has risen every year since 2006.

The results of the last *statewide* homeless count found that there were an estimated 16,203 homeless men, women and children on August 28, 2006. This point-in-time study is considered the most thorough and current statewide count to date by government agencies and organizations working with the homeless. By January 24, 2011, there were 11,377 persons homeless in the seven metropolitan Denver counties, according to the 2011 Metropolitan Denver Homeless Initiative (MDHI) Point In Time Survey. Of the 11, 377 homeless in the Denver Metropolitan area, nearly one in four (23.7%) or 2,402 people, were considered newly homeless. Of the newly homeless, fully two-thirds (66.6%) were in households with children.

9.1 Strategy for Addressing Housing Needs. Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.**

Additional Information. Describe the following, as well as any additional information HUD has requested.

(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.

Goal A - Increase the supply of assisted housing units

Objective

1. Apply for the maximum number of new Housing Choice Vouchers (HCV), when made available by HUD
2. Adopt strategies and options that maintain the maximum program size of the HCV Program
3. Explore ways to expand service delivery to all housing markets of the state

Progress

- a. Applied and received 25 HUD Veterans Affairs Supportive Housing Vouchers
- e. Project based 16 VASH vouchers 2011-2012
- f. Project based 50 vouchers to assist formerly homeless individuals and families

Goal B - Improve the quality of assisted housing

Objective

1. Maintain a "High performer", Section Eight Management Assessment Program (SEMAP) score
2. Maximize utilization of available vouchers
3. Explore new and existing ways to fund, coordinate and link supportive services to housing

Progress

- a. Received a "High Performance" SEMAP score for 2011
- b. Maintained a lease up rate between 97-100% for 2011
- c. Worked with various Departments of Human Services to provide case management to the FUP program

10.0

Goal C - Increase housing choices

Objective

1. Conduct a thorough analysis of payment standards
2. Continue the Home Ownership program throughout the state
3. Develop strategies for providing training and outreach to landlords

Progress

- b. Approve payments standards between 110-120% of the Fair Market Rent
- c. Updated the Home Ownership Guidebook 2011
- d. Updated the Family Self Sufficiency Guidebook 2011

Goal D - Promote Self Sufficiency

Objective

1. Increase the number of families enrolled in the Family Self-Sufficiency (FSS) program and continue to set up and administer escrow accounts for families participating in the FSS program
2. Identify and facilitate supportive services
3. Seek new partnerships with entities to enhance social and economic services
4. Explore ways to fund, coordinate and link supportive services in communities.

Progress

- a. Apply for additional FSS Coordinator fees that will allow us to expand the FSS program 2011
- c. Identified a FSS Lead Staff person 2011

Goal E - Ensure equal opportunity and affirmatively further fair housing

Objective

1. Continue to improve the distribution of Fair Housing information
2. Undertake affirmative measures to ensure access to all persons regardless of race, color, religion, national origin, sex, familiar status and disability

Progress

- a. Appointed a staff to oversee Fair Housing efforts
- b. A Fair Housing Initiative Team established to address Fair Housing issues
- c. DOH collaborated Supportive Housing Programs(SHP) on the preparation of an updated State Analysis of Impediments to Fair Housing
- d. Conducted a survey online for our housing providers and theirs regarding impediments to Fair Housing (The survey notification was sent out to more than 800 e-mail and received 119 responses
- e. Updated the narrative on Fair Housing issues for people with disabilities in the consolidated plan

Goal F - Improve housing delivery system

Objective

1. Evaluate the current administration of the HCV Program
2. Provide training to staff and Contractors
3. Provide a statewide utility allowance schedule annually
4. Maintain and develop effective reporting systems to improve operation efficiency
5. Build capacity of local housing agencies

Progress

- a. Evaluate and upgrade computer software to Elite to improve financial accounting and reporting
- b. Provide an annual training to provide “Eligibility and Occupancy” training and by reviewing DOH policy and federal regulation, which govern the program
- c. Provide a statewide utility allowance schedule to all Contractors
- f. Perform annual review and update of the Section 8 Administrative Policies

G. Goal - Seek partnerships that will further the goal of affordable housing opportunities

Objectives

1. Partner with other Local, State and Federal agencies
2. Provide leadership, support and enhance partnerships with Federal, State and Local agencies to address affordable housing and supportive service issues
3. Explore possibilities and resources to provide and encourage linking supportive services and housing

Progress

- a. Collaboration with Health Care Policy and Finance to apply for funds that will strengthen the infrastructure of the Medicaid waiver program. If application is approved, over the course of 5 years DOH will assist with a housing strategy to move 100 people out of nursing facilities into communities 2010-2015
- b. Partnered with Supportive Housing programs to provide an annual statewide utility allowance schedule
- d. Applied for approval from HUD to project base 50 vouchers for a Colorado Coalition for the Homeless project that will provide supportive services
- e. Worked with (Department of Human Services) and housing providers concerning the Family Unification Program
- f. DOH is currently working with Social Serve (creator of coloradohousingsearch.com) to build a Disaster Housing Toolkit. This consists of press releases/ public service messages. The stakeholders include (SHHP, CHFA, HUD) and Emergency Management (FEMA, DEM, American Red Cross, Mile High United Way) and advisory members speaking on behalf of special populations including the elderly and disabled

(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification”

Substantial Deviation:

- A substantial change in a goal(s) identified in the Five-Year Plan. For example, adding or deleting a goal.

Significant Amendment/Modification:

- Significant modifications to major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities).

11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <ul style="list-style-type: none"> (a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only) (c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only) (d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only) (e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only) (i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)
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**Resident Advisory Board (RAB)
Narrative**

The Division of Housing appointed all program participants to its Resident Advisory Board. Notification of the RAB review period and all related documents were made available to all participants at their local housing agency. No comments were received from the RAB, although comments were received by other stakeholders during the public hearing comment period.

APPENDIX A

Applicant Screening:

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

Criminal History Requirements [24 CFR 982.552 (e)]

These additional requirements will result in denial of assistance:

1. Sexual assault within the last 10 years;
2. Felony assault within five years;
3. 5 or more assaults of any kind within the past 10 years;
4. Arson or homicide within 10 years;
5. Any other frequent and repeated crimes of any kind that indicate habitual criminal behavior

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes the PHA to deny assistance based on the family's previous behavior in assisted housing:

The PHA **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

The PHA **will** deny assistance to an applicant family if:

- The family does not provide information that the PHA or HUD determines is necessary in the administration of the program.
- The family does not provide complete and true information to the PHA.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- If the family has not reimbursed PHA 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, unless the family repays the full amount of the debt prior to being selected from the waiting list.
- The family has breached the terms of a repayment agreement entered into with the PHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.

- A family member has engaged in or threatened violent or abusive behavior toward the PHA personnel.

Abusive or violent behavior towards the PHA or other housing personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, the PHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the PHA may, on a case-by-case basis, decide not to deny assistance.

3-III.D. SCREENING

Screening for Eligibility

The PHA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists the PHA in complying with HUD requirements and the PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

- The PHA will perform a criminal background check through local law enforcement for every adult household member.
- The PHA will perform a Department of Justice, Dru Sjodin National Sex Offender Database inquiry for all household members over the age of 14.

The PHA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

If the PHA proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record if requested and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Rent Determination:

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for an assisted family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)

- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- The minimum rent between 0-\$50 set by the PHA. (the PHA's minimum rent is \$25)

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

The amount that a family pays for rent and utilities (the family share) will never be less than the family's TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

Welfare Rent [24 CFR 5.628]

- Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

- The minimum rent for this locality is \$25.00.

Family Share [24 CFR 982.305(a)(5)]

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the PHA's applicable payment standard: (1) the family will pay more than the TTP, and (2) at initial occupancy the PHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

PHA Subsidy [24 CFR 982.505(b)]

the PHA will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (1) the applicable payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. (For a discussion of the application of payment standards, see section 6-III.C.)

Utility Reimbursement [24 CFR 982.514(b)]

When the PHA subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

- The PHA will make utility reimbursements directly to the family.

Family-Initiated Interim Reexaminations

The PHA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)].

REQUIRED REPORTING

HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

- Families are required to report all increases in income, including new employment, benefits, pensions etc., in writing within 10 business days of the family's notification of the change.
- The PHA will conduct an interim reexamination to recalculate the new family share of rent and new subsidy amount when the increase is in excess of \$250.00 per month.
- The PHA will conduct an interim reexamination for any adult family member who reported zero income at the family's last review and is now receiving some form of income.
- If any new family member is added, family income must include any income of the new family member or additions to family income as a result of the new member addition. The PHA will conduct an interim re-examination to review such additional income and will make the appropriate adjustments in the Housing Assistance Payment and family unit size.

Informal Reviews and Hearing

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

When the PHA makes a decision that has an adverse impact on a family, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an informal review; for participants, or for applicants denied admission because of citizenship issues, the appeal takes the form of an informal hearing.

The PHA is required to include in their administrative plans, informal review procedures for applicants, and informal hearing procedures for participants [24 CFR 982.54(d)(12) and (13)].

16-III.B. INFORMAL REVIEWS

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a "minimum hearing requirement" [24 CFR 982.554], and need not be as elaborate as the informal hearing requirements. (Federal Register Volume 60, No. 127, p 36490).

Decisions Subject to Informal Review

The PHA must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

- Denial of assistance based on an unfavorable history that may be the result of domestic violence, dating violence or stalking. (See Section 3-III.G.)

Informal reviews are *not* required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- A Public Housing Agency (PHA) determination not to grant approval of the tenancy
- A PHA determination that the unit is not in compliance with the Housing Quality Standards Inspection (HQS)
- A PHA determination that the unit is not in accordance with the HQS due to family size or composition

The PHA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on the PHA waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Notice to the Applicant [24 CFR 982.554(a)]

The PHA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the PHA's decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review. Reasonable accommodation and VAWA language must also be a part of the notice.

Scheduling an Informal Review

- A request for an informal review must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's denial of assistance.
- Except as provided in Section 3-III.G, the PHA must schedule and send written notice of the informal review within 10 business days of the family's request.

Informal Review Procedures [24 CFR 982.554(b)]

- The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.
- The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.
- The person conducting the review will make a recommendation to the PHA, but the PHA is responsible for making the final decision as to whether assistance should be granted or denied.

Informal Review Decision [24 CFR 982.554(b)]

The PHA must notify the applicant of the PHA's final decision, including a brief statement of the reasons for the final decision.

In rendering a decision, the PHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.
- The validity of grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. The PHA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the PHA will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation (but may not adhere to the recommendation) of the person conducting the informal review in making the final decision whether to deny assistance.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555, Pub.L. 109-162]

The PHA must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. 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 housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA's subsidy standards
- A determination that a certificate/voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA's subsidy standards, or the PHA's determination to deny the family's request for exception to the standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]
- A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking.

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by the PHA
 - General policy issues or class grievances
 - Establishment of the PHA schedule of utility allowances for families in the program
 - A PHA determination not to approve an extension or suspension of a voucher term
 - A PHA determination not to approve a unit or tenancy
 - A PHA determination that a unit selected by the applicant is not in compliance with the HQS
 - A PHA determination that the unit is not in accordance with HQS because of family size
 - A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract
- The PHA will only offer participants the opportunity for an informal hearing when required by the regulations.

Informal Hearing Procedures

***Notice to the Family* [24 CFR 982.555(c)]**

When the PHA makes a decision that is subject to informal hearing procedures, the PHA must inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

For decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, the PHA must notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an informal hearing on the decision.

For decisions related to the termination of the family's assistance, or the denial of a family's request for an exception to the PHA's subsidy standards, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

- In cases where the PHA makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:
 - The proposed action or decision of the PHA
 - A brief statement of the reasons for the decision including the regulatory reference
 - The date the proposed action will take place
 - A statement of the family's right to an explanation of the basis for the PHA's decision
 - A statement that if the family does not agree with the decision the family may request an informal hearing of the decision
 - Reasonable accommodation and VAWA language.
 - A deadline for the family to request the informal hearing
 - A copy of the PHA's hearing procedures will also be available upon request

***Scheduling an Informal Hearing* [24 CFR 982.555(d)]**

When an informal hearing is required, the PHA must proceed with the hearing in a reasonably expeditious manner.

A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's decision or notice to terminate assistance.

The PHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request for a hearing.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities 72 hours prior to the hearing. Good cause is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family. Please refer to Chapter 2 for information on how to request a reasonable

accommodation. Requests to reschedule a hearing must in writing prior to the hearing date. At its discretion, the PHA may request documentation of the “good cause” prior to rescheduling the hearing.

- If the family does not appear at the time stated in the letter of notification, the PHA will not reschedule the hearing unless needed as a reasonable accommodation for a person with a disability.

Pre-Hearing Right to Discovery [24 CFR 982.555(e)]

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

Prior to the hearing, the PHA must be given the opportunity to examine, any family documents that are directly relevant to the hearing. the PHA must be allowed to copy any such document at the PHA’s expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

For the purpose of informal hearings, *documents* include records and regulations.

- The family will be allowed to copy any documents related to the hearing at a cost of \$.10 per page. The family must request discovery of PHA documents no later than 12:00 p.m. three business days prior to the scheduled hearing date.
- The PHA must be given an opportunity to examine at the PHA offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, the PHA will automatically mail a letter to the participant scheduling the hearing and informing them that all documents that the participant intends to present or utilize at the hearing must be provided to the PHA. The participant must make the documents available no later than 12:00 pm three business days prior to the scheduled hearing date.

Participants Right to Bring Counsel [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

Informal hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

Attendance at the Informal Hearing

Hearings may be attended by a hearing officer and the following applicable persons:

- A PHA representative(s) and any witnesses for the PHA
- The participant and any witnesses for the participant
- The participant’s counsel or other representative

- Any other person approved by the PHA as a reasonable accommodation for a person with a disability

Conduct at Hearings

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA's hearing procedures [24 CFR 982.555(4)(ii)].

- The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.
- All informal hearings will be limited to 45-minutes.

Evidence [24 CFR 982.555(e)(5)]

The PHA and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

- Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence:

Oral evidence: The testimony of witnesses

Documentary evidence: A writing which is relevant to the case, for example, a letter written to the PHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If either the PHA or the family fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Hearing Officer's Decision [24 CFR 982.555(e)(6)]

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the hearing must be furnished promptly to the family.

In rendering a decision, the hearing officer will consider the following matters:

PHA Notice to the Family: The hearing officer will determine if the reasons for the PHA's decision are factually stated in the Notice.

Discovery: The hearing officer will determine if the PHA and the family were given the opportunity to examine any relevant documents in accordance with PHA policy.

PHA Evidence to Support the PHA's Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the PHA's conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and PHA policies. If the grounds for termination are not specified in the regulations or in compliance with PHA policies, then the decision of the PHA will be overturned.

The hearing officer will issue a written decision to the family and the PHA no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

Name of the participant;
Date, time and place of the hearing;
Name of the hearing officer;
Name of the PHA representative; and
Name of family representative (if any).

Background: A brief, impartial statement of the reason for the hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the PHA's decision.

Order: The hearing report will include a statement of whether the PHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

Procedures for Rehearing or Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of the PHA will take effect and another hearing will not be granted.

PHA Notice of Final Decision [24 CFR 982.555(f)]

The PHA is not bound by the decision of the hearing officer for matters in which the PHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, State or local laws.

If the PHA determines it is not bound by the hearing officer's decision in accordance with HUD regulations, the PHA must promptly notify the family of the determination and the reason for the determination.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

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

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.