



May 23, 2017

HONORABLE HOUSING AUTHORITY COMMISSION
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution amending Chapter 8, Section G, of the Housing Authority Administrative Plan, relative to term and extensions of Housing Choice Vouchers (HCV). (Citywide)

DISCUSSION

The attached Resolution modifies the Housing Authority of the City of Long Beach (HACLB) Administrative Plan terms for voucher extensions to applicants and participants. The voucher is valid for a period of 120 calendar days from the date of issuance. The new language expands the HACLB's ability to extend the voucher term for reasons other than a family's disability or serious illness.

Currently, the HACLB policy allows for the extension of an expiring voucher for a family's disability or serious illness. The extensions can be granted in 30-day increments up to 180 days after which only the Housing Authority Bureau Manager or her designee may approve for the same.

The proposed change expands the HACLB's ability to grant an extension for reasons beyond the family's control, including other family emergencies, when the family size makes locating a unit more difficult and when the family has made a good faith effort to locate a unit but market conditions create a significant obstacle. The current market climate is such that the HACLB finds it necessary to offer additional time to families in their search due to low housing inventory, inflated rental rates and decreased participation by apartment owners. Whether an applicant family has waited for years on the waiting list or a participant family's lease has terminated, failing to locate a unit during the voucher term results in a loss of the subsidy. Allowing the HACLB to extend the voucher term for prevailing market conditions and other reasons beyond the family's control will give a family a fighting chance at leasing an assisted unit.

At this time, staff is requesting authorization to make a change to Chapter 8, Section G of the Administrative Plan, as shown on the Resolution.

HONORABLE HOUSING AUTHORITY COMMISSION

May 23, 2017

Page 2

This matter was reviewed by Deputy City Attorney Linda T. Vu on May 16, 2017 and by Revenue Management Officer Geraldine Alejo on May 17, 2017.

TIMING CONSIDERATIONS

Housing Authority Commission action is requested on May 23, 2017, to allow staff to implement this program immediately.

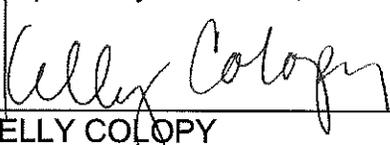
FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



KELLY COLOPY
ASSISTANT EXECUTIVE DIRECTOR



PATRICK H. WEST
EXECUTIVE DIRECTOR

Attachments: HACLB Administrative Plan Resolution
 Tracked Redline Changes (for comparison purposes only)

1 RESOLUTION NO. H.A. _____

2
3 A RESOLUTION OF THE HOUSING AUTHORITY
4 OF THE CITY OF LONG BEACH, CALIFORNIA,
5 AMENDING CHAPTER 8, SECTION G OF THE
6 ADMINISTRATIVE PLAN, RELATIVE TO TERM AND
7 EXTENSIONS THERETO OF HOUSING CHOICE
8 VOUCHERS
9

10 WHEREAS, the U. S. Department of Housing and Urban Development
11 ("HUD") requires that housing authorities receiving grants from the federal government
12 adopt an administrative plan for the Section 8 Housing Assistance Payments Program
13 operated by housing authorities (the "Administrative Plan"); and

14 WHEREAS, Chapter 8 was added to the Administrative Plan and adopted
15 on October 10, 1995 as Resolution H.A. 5-95, regarding certificate/voucher issuance and
16 briefings; and

17 WHEREAS, the Housing Authority of the City of Long Beach, California
18 desires to revise Chapter 8, Section G of the Administrative Plan, to expand the
19 authority's ability to extend the voucher term for reasons other than a family's disability or
20 serious illness;

21 NOW, THEREFORE, the Housing Authority of the City of Long Beach,
22 California resolves as follows:

23 Section 1. The administrative plan adopted October 10, 1995 as
24 Resolution H.A. 5-95 ("Administrative Plan") and amended from time to time is further
25 amended by replacing Chapter 8 in its entirety with Exhibit "A" attached to this resolution.

26 Section 2. The Administrative Plan, as revised herein, shall continue to
27 be the policy of the Housing Authority of the City of Long Beach, California for the Section
28 8 Housing Assistance Payments Program.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Section 3. The Clerk will certify to the passage of this resolution by the Housing Authority of the City of Long Beach, California, and it will immediately take effect.

I certify that the foregoing resolution was adopted by the Housing Authority of the City of Long Beach, California, at its meeting of _____, 2017, by the following vote of the qualified members of the Authority:

Ayes: Commissioners: _____

Noes: Commissioners: _____

Absent: Commissioners: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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CERTIFICATE OF RECORDING OFFICER

I, the undersigned, the duly qualified and acting Clerk of the Housing Authority of the City of Long Beach, California, do certify:

1. That the attached resolution is a true and correct copy of a resolution as finally adopted by a duly called meeting of the Housing Authority of the City of Long Beach, California held on _____, 2017 and duly recorded in the official records of the Governing Body; that the resolution has not been amended, modified, or rescinded, and is now in full force and effect;

2. That the meeting was duly convened and held in all respects in accordance with law; that to the extent required by law, due and proper notice of the meeting was given; that a legal quorum was present throughout the meeting and that a legally sufficient number of members of the Housing Authority of the City of Long Beach, California voted in the proper manner for adoption of the resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of the resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; that I am authorized to execute this Certificate; and that the seal affixed below constitutes the official seal of the Housing Authority of the City of Long Beach, California and this Certificate is executed under that official seal.

IN WITNESS WHEREOF, I have set my hand on _____, 2017.

(Signature)
CITY CLERK

EXHIBIT “A”

CHAPTER 8 CERTIFICATE/VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

The HA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, the HA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for handling changes in the family composition.

A. ISSUANCE OF CERTIFICATES/VOUCHERS

[24 CFR 982.204 (d), 982.54 (d)(2)]

When funding is available, the HA will issue Certificates and Vouchers to applicants whose eligibility has been determined. The issuance of Certificates and Vouchers must be within the dollar limitations set by the annual contribution contract budget.

The number of Certificates and Vouchers issued must ensure that the HA stays as close as possible to 100% lease-up. The HA performs a monthly calculation electronically to determine whether applications can be processed, the number of Certificates and Vouchers that can be issued, and to what extent the HA can over-issue (issue more Certificates or Vouchers than the quantity allocated).

The HA may over-issue Certificates or Vouchers only to the extent necessary to meet leasing goals. All Certificates and Vouchers which are over-issued must be honored. If the HA finds it is over-leased, it must adjust future issuance of Certificates or Vouchers in order not to exceed the annual contribution contract budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE

[24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups or individual meetings. Families who attend group briefings and still have the need for individual assistance will be referred to their Intake specialist.

Briefings for the Certificate Program and the Voucher Program will be held separately. Briefings will be conducted in English. The HA can provide translation services in Spanish, Khmer, Vietnamese and American Sign Language. Families are also encouraged to bring a translator to the briefing.

The purpose of the briefing is to explain the documents in the Certificate/Voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage. It will also prepare them to discuss it with potential owners and property managers with a greater understanding.

The HA will not issue a Certificate or Voucher to a family unless the household representative has attended a briefing and signed the Certificate or Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings without prior notification and approval of the HA may be denied admission based on failure to supply information needed for certification. The HA will conduct individual briefings for families with disabilities at their homes, upon request by the family, if required for reasonable accommodation.

Briefing Packet

The documents and information provided in the briefing packets for both the Certificate and Voucher programs will comply with all HUD requirements. The briefing packet also includes other information and/or materials which are not required by HUD.

The family is provided with the following information and materials:

1. The term of the certificate or voucher, and the HA policy for requesting extensions to the term of the certificate or voucher or suspensions of the certificate/voucher.
2. A description of the method used to calculate the assistance payment, information on Fair Market Rents (Certificate Program), payment standards (Voucher Program), and utility allowances.
3. An explanation about how the maximum allowable rent is determined.
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition, whether the rent is reasonable, average utility expense, energy efficiency, and security.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. The HUD lease addendum.
7. The Request for Lease Approval form and a description of the procedure for requesting approval for a unit.
8. The HA policy on providing information about families to prospective owners.
9. The Subsidy Standards, when and how exceptions are made and how the Certificate or Voucher size relates to the unit size selected.
10. The HUD brochure, "A Good Place to Live" on how to select a unit that applies with HQS.
11. The HUD brochure on lead-based paint.

12. Information on federal, State and local equal opportunity laws including the pamphlet "Fair Housing: It's Your Right" and the form for reporting suspected discrimination.
13. A list of known units available for the size Certificate or Voucher issued (the list is available at Receptionist Desk).
14. If the family includes a person with disabilities, notice that the HA will provide a list of available accessible units known to the HA.
15. The Family Obligations under the program.
16. The grounds for termination of assistance because of family action or failure to act.
17. When the HA is required to offer an informal hearing, how to request a hearing, and the hearing procedures.
18. An HQS checklist (pre-inspection checklist).
19. Procedures for notifying the HA and/or HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
20. A family handbook including the family's rights as a tenant and a program Participant.
21. Requirements for reporting changes between certifications.
22. Information on security deposits and legal referral services.

Other Information to be Provided at the Briefing

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the HA, and the HA and the owner.

The briefing presentation emphasizes:

1. Family and owner responsibilities.
2. Where a family may lease a unit inside and outside its jurisdiction.
3. How portability works for families eligible to exercise portability.
4. Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the HA's jurisdiction.
5. Exercising choice in residency.
6. Choosing a unit carefully and only after due consideration.
7. Information on the Family Self Sufficiency program and its advantages.

If the family includes a person with disabilities, the HA will ensure compliance with CFR 8.6 to ensure effective communication.

Move Briefing

A move briefing will be held for participants who will be reissued Certificates or Vouchers to move, who have been re-certified within the last 120 days, and have given notice of intent to vacate to their landlord. This briefing includes incoming and outgoing portable families. The move briefing includes information on minimizing claims for damages which may be made against the security deposit (formerly included in "Smart Move Briefing").

Families failing to attend two scheduled move briefings will be denied a new Certificate/Voucher based on failure to provide required information.

Owner Briefing

Briefings are held for new owners to the program once a quarter. All new owners receive an invitation and current owners are notified through the monthly newsletter.

Prospective owners are also welcome. The purpose of the briefing is to inform owners of program rules and regulations.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the HA will provide assistance to families who wish to do so.

The assistance provided to such families includes:

1. Direct contact with landlords.
2. Counseling with the family.
3. Meeting with neighborhood groups to promote understanding.
4. Formal or informal discussions with landlord groups.

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists of units will be provided at the front desk/mailed on request and provided at briefings.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

The HA provides the family with a complaint form to report suspected discrimination during their housing search. The HA also provides the location of the local Fair Housing office. If HUD's Fair Housing and Equal Opportunity Office makes a finding of discrimination against an owner, the HA will restrict the owner from future participation.

E. RESTRICTIONS ON LEASING TO RELATIVES

The HA may not approve a unit for lease if the owner is the parent, child, grandparent, grandchild, sister, or brother of the Section 8 voucher or certificate holder who is seeking to rent the unit. The HA, however, may continue to approve units for lease if the HA determines that approving the unit would provide reasonable accommodations for a family member who is a person with a disability.

For the purposes of this regulation, "elderly persons" are not automatically included unless that person fits the criteria of a "person with disabilities." The term "person with disabilities" for purposes of reasonable accommodation and program accessibility, means "individual with handicaps" as defined in 24 CFR 8.3. Per that definition, "individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. As used in this definition, the phrase:

- (a) Physical or mental impairment includes:
 - (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

Under this definition, "owner" includes a principal or other interested party.

F. SECURITY DEPOSIT REQUIREMENTS

[24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit which could have been collected by owners under contracts effective prior to October 2, 1995 is:

Under the Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00, whichever is greater, for non-lease-in-place families (families not living in the unit prior to the issuance of the Certificate or Voucher).

For the Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed:

The amount charged to unassisted tenants, not to exceed the maximum allowed under state or local law.

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

G. TERM OF CERTIFICATE/VOUCHER

[24 CFR 982.303, 982.54(d)(11)]

The Certificate or Voucher is valid for a period of 120 calendar days from the date of issuance, the maximum time allowed by HUD for families to search for assisted housing.. During the briefing session, each household will be issued a Certificate or Voucher which represents a contractual agreement between the HA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expiration

The family must submit a Request for Lease Approval and Lease within the 120-day period. If the Certificate or Voucher has expired, the family will be denied assistance. The family may request a review or hearing regarding this determination.

If the family is currently assisted when the Certificate or Voucher expires and the unit continues to be eligible for assistance, and the owner is willing, the family may remain as a participant in the assisted unit.

Extensions

Extensions are permissible at the discretion of HACLB upon written request from the family prior to the expiration of the voucher in the following circumstances:

1. It is necessary as a reasonable accommodation for a person with disabilities.
2. It is necessary due to reasons beyond the family's control, as determined by the PHA. Following is a list of examples of extenuating circumstances the PHA may consider in making its decision. The presence of these circumstances does not guarantee an extension will be granted:

(a) Serious illness or death in the family.

- (b) Other family emergency.
- (c) Whether family size or other special requirements make finding a unit difficult.
- (d) When the family has made a reasonable, good faith effort to find an appropriate unit, but has been unsuccessful due to significant market barriers to lease up such as low housing inventory, inflated rental market, etc. To approve this extension, the family must provide a housing search log documenting efforts to lease.

Any request for an additional extension must include the reason(s) an additional extension is necessary. HACLB will require the family to provide documentation to support the request.

All requests for extensions to the voucher term must be in writing and submitted to the PHA prior to the expiration date of the voucher (or extended term of the voucher).

The PHA will decide whether to approve or deny an extension request within 10 business days of the date the request is received, and will immediately provide the family written notice of its decision.

Suspensions

When a Request for Lease Approval is received, the HA will deduct the number of days required to process the request from the 120-day term of the certificate/voucher (tolling).

Assistance to Certificate/Voucher Holders

Families who require additional assistance during their search may call their caseworker to request assistance. Certificate and Voucher holders will be notified at their briefing session that the HA periodically updates the listing of available units and how the updated list may be obtained.

The HA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

H. INTERCHANGE BETWEEN CERTIFICATE AND VOUCHER [24 CFR 982.205 (c)(2)]

The Family may request a change in the form of assistance from Certificate to Voucher, or from Voucher to Certificate, either during the initial search period and/or while occupying a unit under Lease and Contract.

If the Family asks to change the form of assistance, the HA will determine if the requested form of assistance is available and will notify the Family within 10 business days. If the HA denies the family's request, an informal hearing will not be offered.

A transfer list for interchange requests will be maintained as needed when funding is not available.

During each search period or move process, the family may only change the form of assistance issued one time. The 120-day requirement will be suspended during this administrative process.

In the case of a family not yet under contract, the HA will issue the new form of assistance for the time remaining on the current Certificate or Voucher.

The family will be permitted to change the form of assistance in place.

The Family will be required to attend a briefing for the new form of assistance and, if changing in place, a new lease and contract will be executed.

I. CERTIFICATE/VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the HA shall consider in order the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the Certificate or Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the HA will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the Certificate, the family will be required to move to a smaller unit if the current landlord is unwilling to accept the rent level of the smaller sized certificate.

J. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF CERTIFICATE/VOUCHER [24 CFR 812.2-definition]

To be considered the remaining member of the tenant's family, the person must have been previously approved by the HA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The HA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the Certificate or Voucher size.

K. EARTHQUAKE OR OTHER DISASTER CERTIFICATES OR VOUCHERS

Certificates or Vouchers issued to victims of earthquake or other disaster will be administered by the HA under the annual contributions contract for those Certificates or Vouchers.

L. FAMILIES DISPLACED DUE TO GOVERNMENTAL ACTION

Families residing within the City of Long Beach who are displaced by government action through no fault of their own are entitled to placement at the top of Section 8 eligibility list. These families must meet all eligibility requirements in order to receive rental assistance.

M. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

The HOPWA program assists persons with AIDS or who are HIV positive and is administered like the Section 8 program except:

1. In partnership with community based organizations, the HA conducts special outreach to disabled people with AIDS or who are HIV positive.
2. Participants are chosen without regard to the HA waiting list through a separate lottery process to select among eligible applicants.
3. Contracts are executed for a one-year term. At the end of the term, the family is converted to the Section 8 program.
4. If the household splits, the assistance stays with the person who qualified under the HOPWA program. If both new households have qualifying individuals, the Split Household guidelines in this chapter apply (see page 8-8).

CHAPTER 8 CERTIFICATE/VOUCHER ISSUANCE AND BRIEFINGS

INTRODUCTION

The HA's objectives are to assure that families selected to participate are successful in obtaining an acceptable housing unit and that they have sufficient knowledge to derive maximum benefit from the program and to comply with program requirements. When families have been determined to be eligible, the HA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, HA procedures, and how to lease a unit. The family will also receive a briefing packet which provides more detailed information about the program. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for handling changes in the family composition.

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21. Requirements for reporting changes between certifications.
22. Information on security deposits and legal referral services.

Other Information to be Provided at the Briefing

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C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the HA will provide assistance to families who wish to do so.

The assistance provided to such families includes:

1. Direct contact with landlords.
2. Counseling with the family.
3. Meeting with neighborhood groups to promote understanding.
4. Formal or informal discussions with landlord groups.

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists of units will be provided at the front desk/mailed on request and provided at briefings.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

The HA provides the family with a complaint form to report suspected discrimination during their housing search. The HA also provides the location of the local Fair Housing office. If HUD's Fair Housing and Equal Opportunity Office makes a finding of discrimination against an owner, the HA will restrict the owner from future participation.

E. RESTRICTIONS ON LEASING TO RELATIVES

The HA may not approve a unit for lease if the owner is the parent, child, grandparent, grandchild, sister, or brother of the Section 8 voucher or certificate holder who is seeking to rent the unit. The HA, however, may continue to approve units for lease if the HA determines that approving the unit would provide reasonable accommodations for a family member who is a person with a disability.

For the purposes of this regulation, "elderly persons" are not automatically included unless that person fits the criteria of a "person with disabilities." The term "person with disabilities" for purposes of reasonable accommodation and program accessibility, means "individual with handicaps" as defined in 24 CFR 8.3. Per that definition, "individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. As used in this definition, the phrase:

- (a) Physical or mental impairment includes:
 - (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - (2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

Under this definition, "owner" includes a principal or other interested party.

F. SECURITY DEPOSIT REQUIREMENTS

[24 CFR 982.313]

Leases Effective Prior to October 2, 1995

The amount of Security Deposit which could have been collected by owners under contracts effective prior to October 2, 1995 is:

Under the Certificate Program, the owner could have collected a Security Deposit in an amount not to exceed Total Tenant Payment or \$50.00, whichever is greater, for non-lease-in-place families (families not living in the unit prior to the issuance of the Certificate or Voucher).

For the Voucher Program, the owner, at his/her discretion, could have collected a Security Deposit in an amount not to exceed:

The amount charged to unassisted tenants, not to exceed the maximum allowed under state or local law.

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

G. TERM OF CERTIFICATE/VOUCHER

[24 CFR 982.303, 982.54(d)(11)]

The Certificate or Voucher is valid for a period of 120 calendar days from the date of issuance, the maximum time allowed by HUD for families to search for assisted housing.. During the briefing session, each household will be issued a Certificate or Voucher which represents a contractual agreement between the HA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expiration

The family must submit a Request for Lease Approval and Lease within the 120-day period. If the Certificate or Voucher has expired, the family will be denied assistance. The family may request a review or hearing regarding this determination.

If the family is currently assisted when the Certificate or Voucher expires and the unit continues to be eligible for assistance, and the owner is willing, the family may remain as a participant in the assisted unit.

Extensions

~~Extensions may be granted to accommodate families with disabilities or serious illness. Extensions may be granted in 30-day increments to no more than 180 day, excluding tolling time. Extensions beyond 180 days may be granted by the Housing Authority Bureau Manager or designee to accommodate families with disabilities or serious illness. Extensions beyond 180 days will require recertification for eligibility.~~

Extensions are permissible at the discretion of HACLB upon written request from the family prior to the expiration of the voucher in the following circumstances:

1. It is necessary as a reasonable accommodation for a person with disabilities.
2. It is necessary due to reasons beyond the family's control, as determined by the

PHA. Following is a list of examples of extenuating circumstances that the PHA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:

- (a) _____ Serious illness or death in the family.
- (b) _____ Other family emergency.
- (c) _____ Whether family size or other special requirements make finding a unit difficult.
- (d) When the family has made a reasonable, good faith effort to find an appropriate unit, but havehas been unsuccessful due to significant market barriers to lease up such as low housing inventory, inflated rental market, etc. To approve this extension, the family must provide a housing search log documenting efforts to lease.

Any request for an additional extension must include the reason(s) an additional extension is necessary. HACLB will require the family to provide documentation to support the request.

All requests for extensions to the voucher term must be in writing and submitted to the PHA prior to the expiration date of the voucher (or extended term of the voucher).

The PHA will decide whether to approve or deny an extension request within 10 business days of the date the request is received, and will immediately provide the family written notice of its' decision.

Suspensions

When a Request for Lease Approval is received, the HA will deduct the number of days required to process the request from the 120-day term of the certificate/voucher (tolling).

Assistance to Certificate/Voucher Holders

Families who require additional assistance during their search may call their caseworker to request assistance. Certificate and Voucher holders will be notified at their briefing session that the HA periodically updates the listing of available units and how the updated list may be obtained.

The HA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

H. INTERCHANGE BETWEEN CERTIFICATE AND VOUCHER

[24 CFR 982.205 (c)(2)]

The Family may request a change in the form of assistance from Certificate to Voucher, or from Voucher to Certificate, either during the initial search period and/or while occupying a unit under Lease and Contract.

If the Family asks to change the form of assistance, the HA will determine if the requested form of assistance is available and will notify the Family within 10 business days. If the HA denies the family's request, an informal hearing will not be offered.

A transfer list for interchange requests will be maintained as needed when funding is not available.

During each search period or move process, the family may only change the form of assistance issued one time. The 120-day requirement will be suspended during this administrative process.

In the case of a family not yet under contract, the HA will issue the new form of assistance for the time remaining on the current Certificate or Voucher.

The family will be permitted to change the form of assistance in place.

The Family will be required to attend a briefing for the new form of assistance and, if changing in place, a new lease and contract will be executed.

I. CERTIFICATE/VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS [24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the HA shall consider in order the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the Certificate or Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the HA will terminate assistance on the basis of failure to provide information necessary for a recertification.

Where the breakup of the family also results in a reduction of the size of the Certificate, the family will be required to move to a smaller unit if the current landlord is unwilling to accept the rent level of the smaller sized certificate.

J. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF CERTIFICATE/VOUCHER

[24 CFR 812.2-definition]

To be considered the remaining member of the tenant's family, the person must have been previously approved by the HA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The HA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the Certificate or Voucher size.

K. EARTHQUAKE OR OTHER DISASTER CERTIFICATES OR VOUCHERS

Certificates or Vouchers issued to victims of earthquake or other disaster will be administered by the HA under the annual contributions contract for those Certificates or Vouchers.

L. FAMILIES DISPLACED DUE TO GOVERNMENTAL ACTION

Families residing within the City of Long Beach who are displaced by government action through no fault of their own are entitled to placement at the top of Section 8 eligibility list. These families must meet all eligibility requirements in order to receive rental assistance.

M. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA)

The HOPWA program assists persons with AIDS or who are HIV positive and is administered like the Section 8 program except:

1. In partnership with community based organizations, the HA conducts special outreach to disabled people with AIDS or who are HIV positive.
2. Participants are chosen without regard to the HA waiting list through a separate lottery process to select among eligible applicants.
3. Contracts are executed for a one-year term. At the end of the term, the family is converted to the Section 8 program.

4. If the household splits, the assistance stays with the person who qualified under the HOPWA program. If both new households have qualifying individuals, the Split Household guidelines in this chapter apply (see page 8-8).