

Informe de Transición 2012



DEPARTAMENTO DE LA
VIVIENDA
Gobierno de Puerto Rico

**Plan Administrativo
Programa Sección 8 - PRDH**

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Secretario Auxiliar de Subsidio de Vivienda**



INTRODUCTION

This Department of Housing administers assistance for rent to extremely and very low-income families of the Commonwealth of Puerto Rico, under the tenant-based voucher program, the project-based voucher program, the Family Self Sufficiency Program, the Family Unification Program. This Housing Agency provides service to seventy eight (78) municipalities that encompasses the Commonwealth, through nine regional offices, strategically located throughout the Island. This offers the opportunity to serve families in the poorest sectors of Puerto Rico.

This Department of Housing has the vision: that all families in Puerto Rico should have the opportunity to either rent or possess a decent home.

Mission Statement

The HA will direct its goal to achieve three major objectives:

- Provide decent, safe and sanitary housing for extremely and very low-income families while maintaining the rent payments at an affordable level.
- Promote freedom of housing choice and spatial deconcentration of extremely and very low-income families of all races and ethnic backgrounds.
- Provide incentives to private property owners to rent to extremely low and very low-income families by offering timely assistance payments.

In addition, this Department of Housing has the following goals for the Program:

- To assist the local economy by increasing the occupancy rate and the amount of money flowing to the community.
- To encourage, assist, train and facilitate the economic independence of assisted families.

In order to achieve this mission, we will:

- Recognize residents as our ultimate customer.
- Improve the Department's management and service delivery efforts through effective and efficient management of its staff.
- Seek problem-solving partnerships with residents, landlords, community, and government leadership.

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- Apply limited HA resources to an effective and efficient management and operation of the Section 8 program.

Purpose of Policy

The purpose of the Administrative Plan is to establish guidelines for the HA staff to follow in determining eligibility for the HCV Program. The basic guideline for this plan is governed by requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. The Policies and Procedures governing admissions and continued occupancy are outlined in this plan. These requirements are binding upon applicants, residents, landlords and this HA alike. Notwithstanding the above, changes in applicable federal law or regulation shall supersede provisions in conflict with this policy.

Federal Regulations shall mean those found in Section 24 CFR (Code of Federal Regulations). The Housing Agency is responsible for complying with all changes in HUD regulations regarding the HCV Program.

The Secretary of the Department of Housing of the Commonwealth of Puerto Rico must approve the original plan and any changes, copy will be provided to HUD.

Primary Responsibilities of the Puerto Rico Department of Housing:

- Informing eligible families of the availability of Section 8 assistance.
- Encouraging owners to make their units available for lease by Section 8 participants.
- Determining the maximum amount of housing assistance payments that can be used for family-paid utilities and posting the utility allowances annually.
- Receiving applications from families and determining their eligibility for assistance.
- Inspecting Section 8 units to determine they meet or exceed Section 8 Housing Quality Standards.
- Approving Leases.
- Making Housing Assistance Payments to owners.
- Performing annual and periodic re-examinations of income, family composition and redetermination of rent.

Objectives

The Department of Housing has the following objectives:

- To promote the overall goal of providing decent, safe and sanitary housing by using the assistance provided through the HCV Program to eligible families in private rental housing; therefore increasing the housing stock for extremely low and very-low income families.
- Improve the Island's housing stock by requiring participating landlords to meet Section 8 Housing Quality Standards for their rental properties.
- Facilitate the efficient management and compliance with Federal Regulations by establishing policies that will enhance the efficiency and effectiveness of the Section 8 program and staff.
- Comply in letter and spirit with the Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations to insure that occupancy in assisted housing is administered without regard to race, color, religion, sex, handicap, familial status and national origin.
- The Housing and Community Development Act of 1974 reflects Congress's intent that where possible, the nation's existing housing stock should be preserved. The Section 8 Program will allow the HA to utilize new and existing housing stock.

EXPANDING HOUSING OPPORTUNITIES

Mission

The mission of this HA is to provide opportunity for extremely low and very-low income families to obtain assistance to rent decent, safe and sanitary housing units outside areas of poverty or minority concentration. With this in mind, our staff provides information to the families on the availability and opportunity of mobility in order to improve their housing opportunities.

This HA serves the seventy eight (78) municipalities that conform the Commonwealth of Puerto Rico, through nine (9) regional offices, strategically located throughout the Island. Our voucher holders can lease units located in any of the municipalities disregarding which regional office initially provided the voucher and families can also move from Municipality to Municipality as desired, as long as the tenant does not breach the lease.

In addition, new participants are informed at briefing of the portability procedures to any other HA out of the Commonwealth of Puerto Rico.

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Outreach to Owners:

This HA encourages participations of owners of suitable units located outside areas of low income and/or minority concentration by:

- Holding periodic meetings with the only organization of landlords, which encompasses the owners of units for rent in the metropolitan area, the Association of Landlords of Puerto Rico, Inc. This association has created a Section 8 Committee whose members have specialized knowledge on the Housing Choice Voucher Program procedures and benefits, and offers their members with orientation together with this HA staff.
- PRDH, Housing Subsidy Directors and/or Coordinators are frequently participating as speakers for large number of members of the Association of Landlords of Puerto Rico, Inc. and with various realtors groups.
- The PRDH management participates in radio programs in which a broad audience is provided with details on the requirements and procedures of the HCVP. These radio programs give the audience opportunity to call the station and discuss details on HCV Program requirements and procedures that are aired.
- This HA provides additional and extraordinary customer services to owner, by one on one referrals and immediate coordination for interview with voucher holders, when management staff is notified of any vacancy on their projects units or the readiness of any new construction.
- Direct personal contact with other owners.

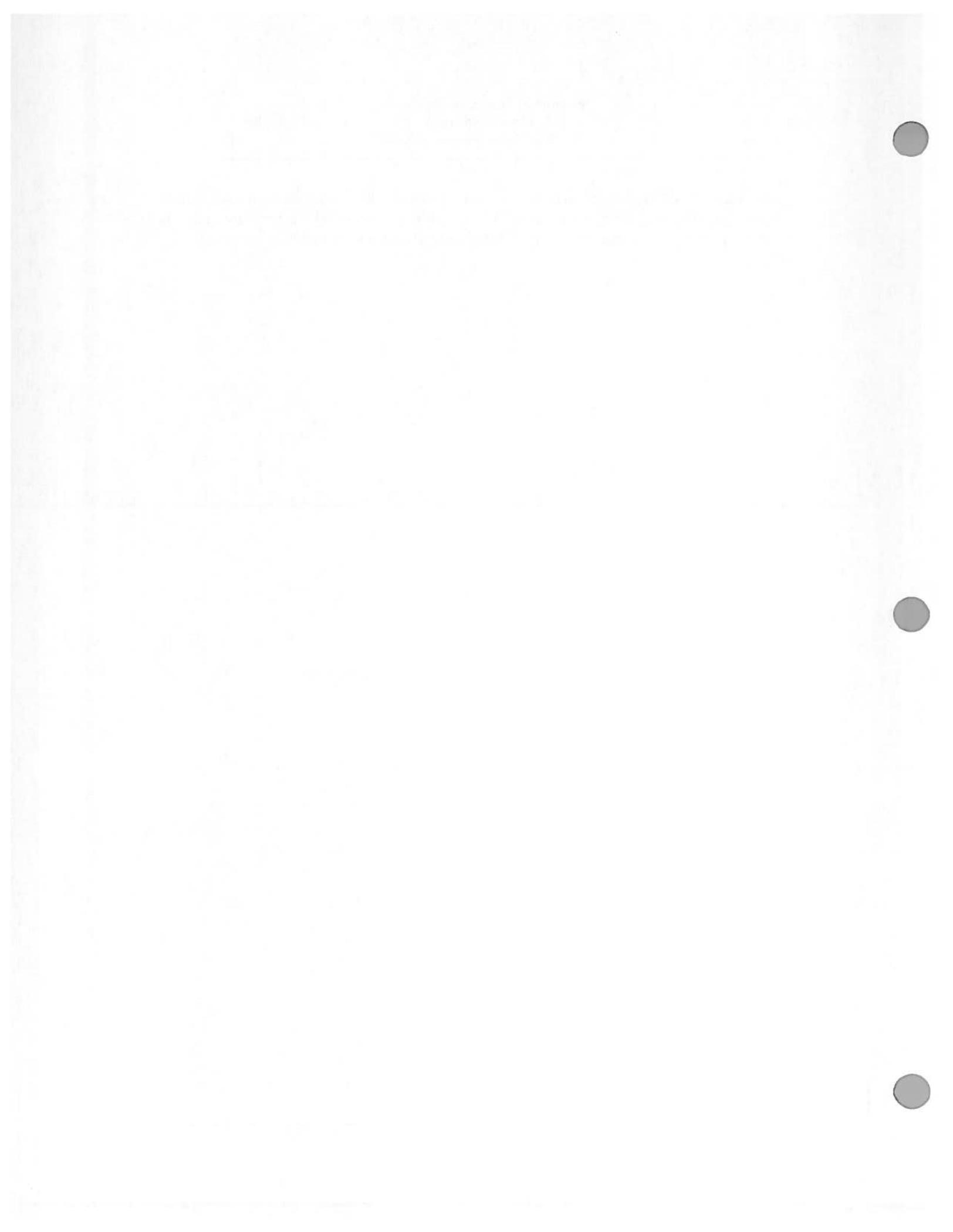
Outreach to the Needy Families:

The extremely and very low-income families of Puerto Rico are concentrated mainly in the Public Housing Projects and in the communities identified by the government as "Special Communities". These families are frequently impacted with information on the HCV Program, by:

- Highly assisted public activities in most of these public housing project and special communities, in which the highly needed governmental services are provided directly in these projects and communities. During these direct services the HCV Program fill out lots of families are oriented and fill out the programs pre-application.
- Handing out brochures that contains information of HCV Program in highly attended public activities directed to the elderly.

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The HA will offer prompt payment of their rents and full cooperation and orientation regarding the program requirements. The HA will also offer higher rents to landlords who are willing to make their units accessible to families with disabled members.



SECTION 2

PRIVACY RIGHTS

Applicants will be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations (Reference HUD form 9886).

The Agency accepts the obligations to maintain only such information on individuals as is relevant and necessary to the performance of its functions, to maintain that information with such accuracy, relevancy, timeliness and completeness as is reasonably necessary to assure fairness in determinations made by the Agency about the individual, to obtain information from the individual to the extent practicable, and to take every reasonable step to protect that information from unwarranted disclosure.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the HA or HUD.

The HA's policy regarding release of information will conform to State and local laws that restrict the release of family information.

Any information concerning the condition of a person's disability must be kept in a separate folder and marked "confidential". The personal information in this folder must not be released except on an 'as needed' basis in cases where an accommodation is under consideration. The Director of the Section 8 program must approve all requests for access and granting of accommodations based on this information.

The HA will furnish prospective landlords with the family's current address as shown in the HA's records and, if known to the HA, the name and address of the landlord at the family's current and prior address. A statement of the HA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

All applicants' files will be kept so as to safeguard the privacy of applicants and program participants. All files will be kept in a secure location, which is only accessible, by authorized staff.

All files must be signed for when removed from the secured file storage area. The staff person who signs as utilizing a file is responsible for its security. Files will never be left unattended or placed in common areas.

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Family information contained in files will not be discussed by staff, unless there is an official reason to do so. Improper use of family information disclosure will be reason for disciplinary action.

SECTION 3

DEFINITION OF TERMS

Section 24 part 5 and Section 982.4 Definitions effective from time to time are incorporated by reference as if fully set out herein. Copies of these regulations are available in the HA Office. The definitions herein will be considered as this PHA's policies.

Absorption: In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family.

Adjusted Income: Adjusted Family Income is the income on which total tenant payment is to be based and means the Total Annual Income less the following allowances:

- A deduction of \$480 for each member of the family (other than head of household or spouse) who is:
 1. Seventeen (17) years of age or younger, or
 2. Who is eighteen (18) years of age or older and a verified full-time student and/or disabled or handicapped, according to this Section.
- A deduction of dollar amounts anticipated to be paid for the care of children (including foster children) less than thirteen (13) years of age where care is necessary to enable a family member to be gainfully employed or to further his/her education. The dollar amount must be verified and reflect reasonable charges and cannot exceed the amount of income from employment (if employed).
- A deduction of \$400 for Elderly Family who is head, spouse or sole member is sixty-two (62) years of age or is older and/or handicapped or disabled according to this Section.
- A deduction for any elderly family:

That has not no Handicapped Assistance Expense, an allowance for medical expenses equal to the amount by which the medical expense shall exceed three (3%) if total Annual Family Income

That has Handicapped Assistance Expenses greater than or equal to three percent (3%) of Total Annual Family Income, an Allowance for Handicapped Assistance, as computed above, plus an allowance for medical expenses that is equal to the Family's medical expenses.

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That has Handicapped Assistance Expenses that are less than three percent (3%) of Total Annual Family Income, an allowance for combined Handicapped Assistance expense and medical expense that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of Total Annual Family Income. Expenses used to compute the deduction cannot be compensated for nor covered by insurance.

A deduction for any family that is not an elderly family, but has a Handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expenses in excess of three percent (3%) of Total Annual Income, but this allowance may not exceed the employment received by the family member who is able to work as a result of the assistance to the Handicapped or disabled person. This deduction is allowed only to permit a member of the household to work.

- **Child Care Expenses:** Amounts anticipated to be paid by the Family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a Family member to actively seek employment, be gainfully employed or to further his or her education and only to the extent that such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The reasonable amount of charges is determined by the HA, by conducting surveys of local child care providers. The results are ported in the HA office.

Note: If the Total Annual Income less the above allowances result in a rent that is less than the established minimum rent, the resident rent will be established at the HA established minimum rent.

Administrative Fee: Fee paid by HUD to the HA for administration of the program and will include hard-to-house fees paid for moves by families with three or more minors, and extra counseling money that may be authorized by HUD.

Administrative Fee Reserve: (formerly "operating reserve") Account established by HA from excess Administrative fee income. HA administrative fees may only be used to cover costs incurred to perform HA administrative responsibilities for the program in accordance with HUD regulations and requirements.

Administrative Plan: The Administrative Plan describes HA policies for administration of the tenant-based programs. This document is the Administrative Plan for the HA.

Admission: the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

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Adult: An adult is:

- 21 years or older
- 18 years of age and married (not common law)
- A person that has been relieved of the disability of non-age by the juvenile court
- A person that has been emancipated by the adult with legal custody on him or her, through court disposition.

Note: In Puerto Rico an adult is a person 21 years of age or older, unless he or she has been emancipated by the adult with legal custody over him or her. Only persons who are adults according to the local law shall be eligible to enter into a lease agreement for occupancy.

Annual Contributions Contract: A written contract between HUD and a Housing Authority (HA). Under the Contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

Annual Income: Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of certain other types of income specified in this policy. Annual income includes, but is not limited to, the following: (Ref: 24 CFR 5.609)

- The full amount, before any payroll deduction of wages and salaries, and overtime pay, including compensation for personal services (such as commissions, fees, tips and bonuses).
- Net income from the operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining Net Income.) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. The family may deduct any withdrawal of cash or other. Assets from the operation of a business or profession from income, except to the extent the withdrawal is reimbursement of cash or assets in the operation.
- Interest dividends and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property.)
- An allowance for depreciation is permitted only as authorized in the second paragraph of this section. Any withdrawal of cash or assets from an investment will be included income, except to the extent the withdrawal is reimbursement of

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cash or assets invested by the family. Where the family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

- The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefit and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment.
- Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and severance pay.
- Welfare assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that are subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus.

The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the families' welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

- Periodic and determinable allowances, such as alimony, child support payments, and regular contributions gifts, including amounts received from any person/s not residing in the dwelling. This includes payments made directly to schools, universities, child care, inclusion on health plans, and purchases of clothes, books, or any other expense made by a person not living in the unit on behalf of one of the participant family.
- All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances for dependents, etc.), received by a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are in the unit. (See "hazardous duty pays".)
- Payments to the head of the household for support of a minor or payments nominally to a minor for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support (like social security).

- Veterans Administration compensation (Service connected Disability or Death Benefits).

Note: If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a redetermination at the end of the shorter period.

Applicant: (Applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.

Budget Authority: An amount authorized and appropriated by Congress for payment to Housing Agencies under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

Child: A member of the family, other than the family head or spouse, who is under 18 years of age.

Child Care Expenses: Amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. In the case of child care necessary to permit employment, the amount deducted must be verified and reflect reasonable charges and shall not exceed the amount of income received from such employment.

The HA will not normally determine care expenses as necessary when the household contains an additional unemployed adult who is physically capable of caring for the children. An example of an exception may be an unemployed adult that is not capable of caring for a child for a child because of some type of disability and or handicap. The head of household must document the disability/handicap that prevents the adult from providing childcare.

Child Custody: An applicant/participant family who does not have full custody of a child/children may only claim a child as a dependent by the following:

- The Applicant/participant must have primary custody of the child.
- The applicant/participant must provide sufficient evidence that the child would reside with the Section 8 participant.

Note: More than one applicant cannot claim the same child.

Citizen: A citizen of the United States.

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Continuous Metropolitan Statistical Area (MSA): In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

Continuously Assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any Housing Act program when the family is admitted to the Section 8 program. This PHA will consider that a family is continuously assisted if it had been receiving assistance under the program not more than three (3) months before the date any action is being considered to reinstate the family in the program.

Contract Authority: The maximum annual payment by HUD to an HA for a funding increment.

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age, or is a person with disability, or is a fulltime student. An unborn child shall not be considered a dependent.

Disabled Person: (See "Handicapped Person"). The correct term is "Person with Disability".

Displaced Family: A person, or family, displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Domicile: The legal residence of household head or spouse as determined in accordance with State and local law.

Drug-Related Criminal Activity:

- Drug-trafficking, which is: The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 USC 802), or
- Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 USC 802)).

Elderly Family: A family whose head or spouse or whose sole member is at least sixty-two (62) years of age, or disabled, or handicapped and may include two or more elderly, disabled or handicapped persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

Elderly Person: A person who is at least sixty-two (62) years of age.

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Evidence of Citizenship or Eligible Immigration Status: The documents that must be submitted to evidence citizenship or eligible immigration status [Reference CFR 5.508 (b)].

Exception Rent: In the voucher program, the HA will adopt a payment standard.

Extremely Low-Income Family: A family whose annual income does not exceed thirty percent (30%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. Not less than 75 percent of the families admitted to the PHA's tenant-based voucher program during the PHA fiscal year from the PHA waiting list shall be extremely low income families. The PHA may admit a lower percent of extremely low income families during its fiscal year if HUD approves the use of such lower percent by the PHA.

Fair Market Rent (FMR): The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area that are decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR.

Familiar Status: A single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age of 19 years are processed for occupancy the same as single persons (Reference Federal Register published February 13, 1996, pages 5,662 and 5,663). In Section II (Reinventing Parts 812 and 912 of the Federal Register it is stated):

"The April 10, 1992 proposed revisions to parts 812 and 912, which concern section 5(b) of the Fair Housing Amendments Act of 1988 (FHAA) and the treatment of single, pregnant women obtaining custody, are not included in this final rule. The statutory prohibition against housing discrimination towards such persons is sufficiently clear and enforceable. Since the percentage limit for occupancy by single persons (which could have been used to mask instances of discrimination against persons in these protected classes) has been eliminated, it no longer necessary to distinguish persons in the FHAA-protected classes from other single persons."

Therefore, a single pregnant woman and individuals in the process of obtaining custody of any individual who has not attained the age 18 years are processed for occupancy the same as single persons and only entitled subsidy for a zero or one-bedroom family unit size.

Family: The term "family" as used in this policy means:

- Two or more persons related by blood, marriage, or by operation of law.
- A family, with or without children, who live regularly together as a single household in the dwelling unit.

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- The temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size.
- By definition, a family must contain a competent adult of a least 21 years of age or 18 years of age and married (not common law) to enter into a contract and capable of functioning as the head of household.

Note: If an individual is 18 or over and qualifies under the definition of family by being married, the head of household and the spouse must be parties to the lease. There must be some concept of a family living beyond the mere sharing or intention to share housing accommodations by two or more persons to constitute them a family within the meaning of this policy. Some recognized and acceptable basis of family relationship must exist as a condition of eligibility.

The following are some of the families, besides the regular family:

- An elderly family
- A near-elderly family
- The remaining member of a tenant family
- A single person who is not elderly or displaced person or a person with disabilities or the remaining member of a tenant family.

Note: Housing assistance limitation for single persons: A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family, may not be provided (for tenant-based assistance) housing assistance for which the family unit size exceeds the one bedroom level (Ref. 982.207 Housing assistance limitation for single persons, published in the Federal Register on 2/13/96.)

The rule does not prohibit a single person from residing in a larger unit (2 or more bedrooms) with the amount of subsidy for a zero or one-bedroom family unit size. The limit is on the amount of subsidy paid, NOT the SIZE of the UNIT. (The utilities allowance to be considered shall be that for the size of the unit being occupied.)

Family Self-Sufficiency (FSS) Program: The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 USC 1437 u). Reference 24 CFR, part 984.

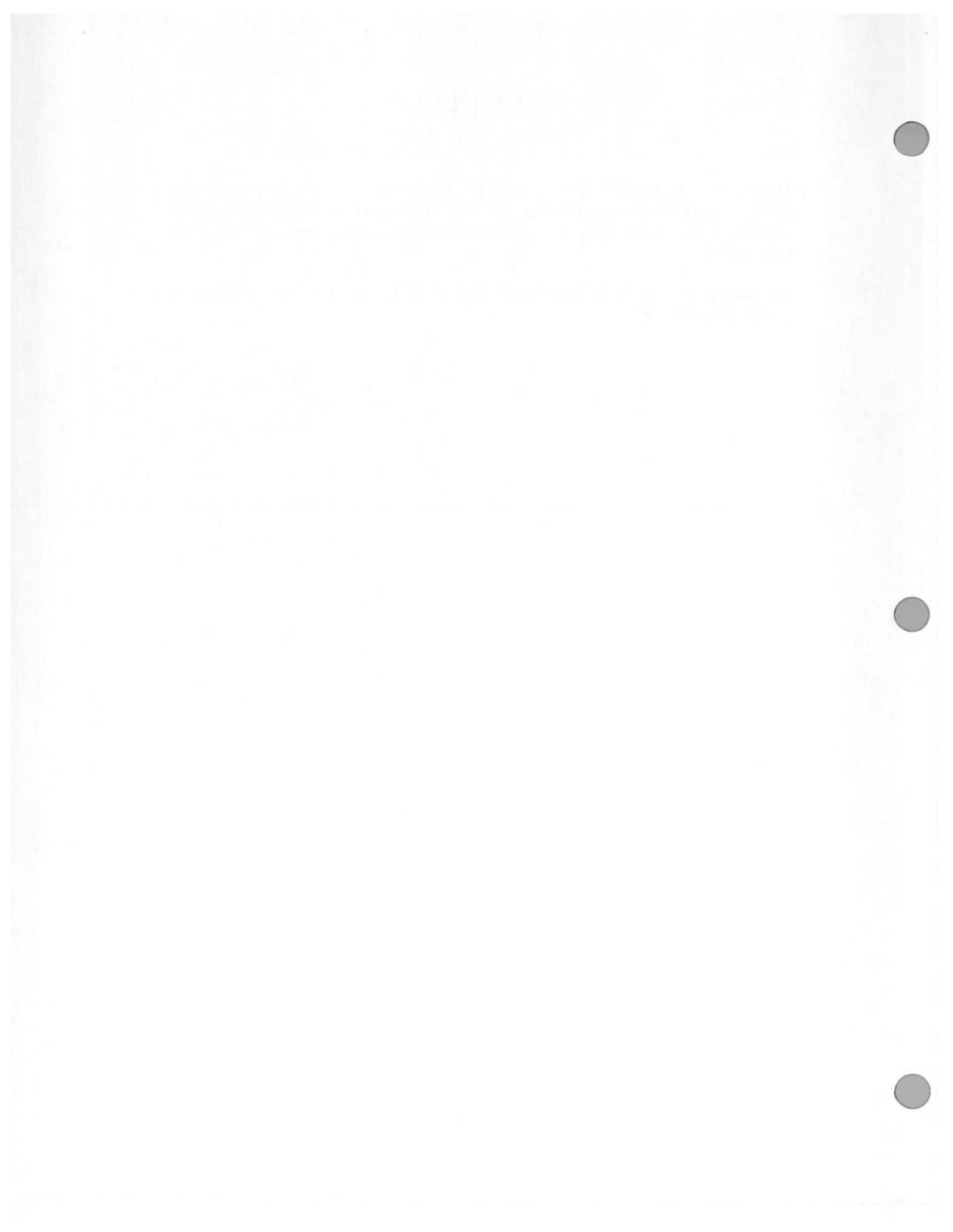
Family Share: The portion of rent and utilities paid by the family.

Family Unit Size: the appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.

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FMR/Exception Rent Limit: The Section 8 Existing Housing fair market rent published by HUD Headquarter, or any exception rent. For a tenancy in the voucher program, the HA may adopt a payment standard up to the FMR/exception limit, which is 110% of the published FMR.

Foster Children: With the prior written consent of the HA, a foster child may be added as a Section 8 participant.



SECTION 4

APPLYING FOR ASSISTANCE

How to Apply:

Families wishing to apply for housing assistance shall complete an application for housing assistance. The HA will make sure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner.

Applications will be accepted at the following locations:

- **Aguadilla Regional Office**
Kennedy Ave. (in front of Jose de Diego Public Housing Project)
787-274-2527 Ext. 2901 - 2906
- **Arecibo Regional Office**
Expreso Salida 77 A Carr. 129 Intersección Ave. Constitución
C/65 Infantería, antiguo Edif.. Cruv Sector La Herradura
Detrás del Correo del Coto, Arecibo
787-274-2527 Ext. 2501 - 2512
- **Bayamón Regional Office**
Carr. 2, esq. 167, Santander Bldg, Fifth floor
787-274-2527 Ext. 2000 - 2012
- **Caguas Regional Office**
Government Center, First Floor, Suite 10
787-274-2527 Ext. 2701 - 2711
- **Carolina Regional Office**
Ave. Muñoz Rivera, Esq. Molinillo, Carolina, Government Center
787-274-2527 Ext. 2101 - 2109
- **Humacao Regional Office**
Government Center
Boulevard del Río, desvío Carr. 3, Ramal Torre 2 Third Floor
787-274-2527 Ext. 2801 - 2806
- **Mayagüez Regional Office**
Calle Méndez Vigo # 200, Esquina Oriente
787-274-2527 Ext. 2801 - 2806

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- **Ponce Regional Office**
Calle Cristina # 36 Ponce
787-274-2527 Ext. 2301 - 2311

- **San Juan Regional Office**
Ave. Barbosa 606, en el estacionamiento multipiso, San Juan
787-274-2527 Ext. 5154 - 5163

The main office of the Department is located at:

- **Main Office**
Department of Housing of the Commonwealth of Puerto Rico
Ave. Barbosa 606, 5 th floor, San Juan
787-274-2527 Ext. 2401 - 2419

Completed applications will be accepted for all applicants and the information verified at each regional office.

Application may be made in person at the offices mentioned above during specified dates and business hours posted at each HA's office.

A pre-application will be accepted by telephone. An announcement will be placed in the bulletin boards of each regional office and the local newspapers to notify the public about this service. An employee will take the information required to determine eligibility, and will fill in a pre-application form. The applicant will be notified at the moment if, by the information given, the family is eligible.

The application must be dated, time stamped, and processed at the Selection Unit.

Individuals who have a physical impairment which would prevent them from completing application in person may call the HA to make special arrangements to complete their application. A telecommunication Device for the Deaf (TDD) is available for the deaf. If the applicant is visually impaired, all notices must be in a format understandable by applicant.

Closing of Application Taking

If the HA is taking applications, the HA may suspend the taking of applications if the waiting list is such that additional applicants would not be able to be housed within the next 12 – month period.

Opening of Application Taking – Family Outreach

If the waiting list has been closed, when the HA decides to restart taking applications, the following procedures will be followed:

Note: The HA will make known to the public through publication in a newspaper of general circulation, minority media, and other suitable means, the availability and nature of housing assistance for eligible families.

The Notice must contain the following

- Advise families that applications will be taken at the designated offices.
- Briefly describe the Housing Assistance program.
- State that families interested must specifically apply for Section 8 assistance and that applicants for Section 8 assistance may also apply for Public Housing, and they will not lose their place on the Section 8 Housing waiting list if they also apply for Public Housing.
- To reach persons who cannot read the newspapers, the HA will distribute fact sheets to the broadcasting media. Personal contacts with the news media and with community service personnel, as will public service announcements will be made.

Application Period (Dates)

The application taking closing date may be determined administratively at the same time that the HA determines to open enrollment. The open enrollment period shall be long enough to allow enough applicants as required by the projected turnover and the number of Section 8 Certificates or Housing Vouchers, as well as multifamily units within the Moderate Rehabilitation and Project based Programs.

Missed Appointments for Applicant or Participant

Missed Appointment Without Notification:

An family or person whose applications or recertification is being processed, but fails to keep an appointment without notifying the HA and without re-scheduling the appointment shall be sent a notice of termination of the process or assistance for failure to supply any certification, release of information or documentation as the HA or HUD determines to be necessary (or failure to allow the HA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable) in the following situations:

- Complete application
- Bringing in verification information
- Program briefing
- Leasing signature briefing
- HQS inspections
- Recertifications
- Interim adjustment
- Other appointments to bring in documentation as listed in this Plan
- Schedule counseling sessions

Process when appointments are missed

For most of the functions above, the family may be given two (2) appointments. If the family does not appear or call to reschedule the appointment(s) required, the HA may begin the termination process. The applicant or participant will be given an opportunity for an informal review or hearing. If the representative of the HA makes a determination in favor of the applicant or participant, the HA will comply with decision, unless the HA is not bound by a hearing decision concerning a matter for which the HA is not required to provide an opportunity for a hearing pursuant to 24 CFR 982.554 (c) and 982.555 (b).

Letters Mailed to Applicants by the HA

If an applicant claims not having received a letter mailed by the HA, that requested to provide information or to attend an interview, the HA will determine whether the letter

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was returned to the HA. If the letter was not returned to the HA, the applicant will be assumed to have received the letter.

If the letter was returned to the HA and the applicants can provide evidence that the family was living at the address to which the letter was sent, the applicant will be reinstated with the date and time of the application in effect at the time the letter was sent. Applicants must notify the HA, in writing, if their address changes during application process.

Misrepresentation by the Applicant or Participant

If an applicant or Section 8 participant is found to have made willful misrepresentations at any time which resulted in the applicant or Section 8 participant being classified as eligible, when, in fact, they were ineligible, applicant will be declared ineligible and the Section 8 participant will be terminated because of the act of fraud by the applicant/Section 8 participant. If such misrepresentation resulted in the Section 8 participant paying a lower rent than was appropriate, the Section 8 participant shall be required to pay the difference between the actual payments and the amount, which should have been paid.

In justifiable instances, the HA may take such other actions as it deems appropriate, including referring the Section 8 participant to the proper authorities for possible criminal prosecution.

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SECTION 5

ELIGIBILITY CRITERIA

Amended February 17, 2010

Eligibility Requirements:

All individuals who are admitted to the Section 8 Program in the HA must be individually determined eligible under the terms of this plan. In order to be determined eligible, an applicant must meet the following requirements:

- The applicant family must qualify as a family.
- The applicant family's Annual Income must not exceed income limits established by HUD for the Section 8 Program.
- The applicant must be citizen or a noncitizen that has eligible immigration status.

Head of Household must be:

- 21 years of age or older
- 18 years of age and married (not common law) or
- A person that has been relieved of the disability on non-age by a juvenile court or emancipated by the adult with custody through legal action.

To reduce administrative and subsidy errors an EIV (Enterprise Income Verification) report will be conducted after 30 to 60 days of admission to the HCV Program. This PHA uses the Enterprise Income Verification Subsystem [EIV] as an Upfront Income Verification [UIV] to verify the household income of program participants, as a key strategy in reducing income and rent errors attributable to unreported income and to increase accuracy and efficiency in determining family eligibility and computing rent calculations. Subsequently, EIV reports will be downloaded from PIC before annual re-examination and interim recertification at each Regional Office. Evaluation of said report will be conducted by Technicians and Supervisors.

- The applicant agrees to pay the rent required by the subsidy program under which the applicant will be admitted.
- The unit will be the family's only residence.
- The applicant meets the Federal or the HA's established preference requirements, where applicable, and any uniform tenant selection criteria.

- The applicant must be a citizen or a noncitizen who has eligible immigration status.

Ineligible:

Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on a waiting list of offered Section 8 assistance under the following circumstances:

If the applicant's annual family income exceeds the Income Limits established by HUD and published in the Federal Register, the applicant will be declared ineligible.

Informed of Ineligibility

If the applicant has failed to meet any outstanding requirements for eligibility and is determined ineligible, he/she will be so informed and the reasons stated in writing. The applicant will be granted ten (10) days from the date stated on the ineligible letter to request an informal meeting. The applicant may bring any person he/she wishes to represent them at the informal meeting. The request for an informal meeting may be submitted in writing and/or the request may be verbal. However, the request must be received by the HA within the time frame established by the HA for the meeting.

Single Person

In addition, under Section 24 CFR 5.405, the HA is permitted to determine as eligible, single persons living alone or intending to live alone who do not meet any of the definitions of a family (Ref. CFR 5.403). Single persons are only eligible for a one bedroom voucher.

Declaration of Citizenship

Section 214 of the Housing and Community Development Act of 1980 prohibits Housing Agencies from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible non-citizens in HUD's assisted housing programs. This law is referred to as the "Non-citizens Rule" and is effective June 19, 1995.

When the HA verifies that applicant is eligible

The HA must receive information verifying that an applicant is eligible within the period of 60 days before the HA issues a voucher to the applicant.

Continuously assisted

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

Adding a Person to the Program

Once an applicant becomes a participant in the HA's tenant-based program, the head of household must request permission to add another person to the program (except for birth, adoption or court awarded custody of a child). The person being added must meet all eligibility requirements before the HA will approve any addition to the program.

If any new family member is added, family income must include any income of the additional family member. The HA will conduct an interim examination to determine such additional income, and will make appropriate adjustments in the housing assistance payment.

1-10-1954

Dear Mr. [Name]

I have your letter of the 1st of this month regarding the [subject] and am sorry to hear that you are having some difficulties.

I will be glad to help you in any way I can and will get back to you as soon as possible.

Very truly yours,

[Signature]

[Address]

[City, State, Zip]

[Phone Number]

[Fax Number]

[E-mail Address]

[Business Hours]

[Additional Information]

[Closing Remarks]

[Final Sign-off]

[Enclosures]

[References]

[Footnote]

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SECTION 6

VERIFICATION AND DOCUMENTATION

(Amendment Feb.12, 2009)

(Amended Feb.17, 2010 to eliminate Credit Bureau Report requirement and include EIV Reports)

Verification Procedures

General Policies

The HA shall verify family income, composition, status of full time students, value of assets, factors allowing a preference before an applicant is issued a voucher. The HA will ensure that proper authorization from the family is always obtained before making verification inquires.

Methods of Verification

Upfront Income Verification

This PHA uses the Enterprise Income Verification Subsystem [EIV] as an Upfront Income Verification [UIV] to verify the household income of program participants, as a key strategy in reducing income and rent errors attributable to unreported income and to increase accuracy and efficiency in determining family eligibility and computing rent calculations. EIV reports will be downloaded from PIC before annual re-examination and at each interim recertification at each Regional Office. Evaluation of said report will be conducted by Technicians and Supervisors.

Third Party Verification

Third Party Verification is considered to be the most effective means of verifying information provided by the family. Verification forms will be sent by mail to the appropriate third party with a request that the form be returned via mail within a two (2) week period. If the verification document is not received within the required period of time, HA staff will be advised to note the file accordingly and proceed with the third party oral verification. The reason for not having third party verification must be certified in writing and filed on the applicant's or participant's File.

The HA will not accept verifications delivered by the family except computerized printouts from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensations

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Oral Verification

Oral third party verification will be effectuated only when written third party verification was not possible to obtain. Oral third party verification will take place throughout a phone call to the source. When used, staff will be required to complete a form noting whom they spoke with, the date of conversation, and the facts provided to them.

The HA may accept faxed or e-mailed document as third party verification.

Documentation

Social Security Number (SSN)

Families are required to provide Social Security Numbers for all family member age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration.

The family must submit the SSN, or sign a certification if they have not been assigned a SSN. If the individual is under 18, his or her parent or guardian must execute a certification. If the participant who has signed a certification form obtains a SSN, it must be disclosed at the next reexamination or next rent change.

Verification will be conducted by providing a valid Social Security card issued by the Social Security Administration.

The HA will accept copies of the Social Security card when confronted with the original and would be signed by HA's staff.

If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He/she may be required by the HA to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided:

These documents include:

- Driver's license that displays the SSN
- Identification card issued by a Federal, State, or local agency
- Identification card issued by an employer or trade union
- Identification card issued by a medical insurance company
- Earnings statements or payroll stubs

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- IRS Form 1099, or W-2 form
- Benefit award letter from government agencies
- Medicaid cards
- Unemployment benefit letter
- Retirement benefit letter
- Life Insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records.
- Verification of Social Security benefits with the Social Security Administration

If the HA verifies Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.

Applicants may not become participants until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances require an extension. The decision will be made by an HA's representative, and it will be documented, in writing, and placed in the applicant's file.

Additional Documentation that may be required in determining eligibility:

- Temporary Assistance to Needy Families (TANF)
- Birth certificate, or driver's license that displays the date of birth and/or form(s) that are issued by a Federal State, City, or County Agency that displays the date of birth. Baptism Certificate will also be allowed.
- Credit references (History)
- Employer's verification
- Employer's Identification Number [EIN] and applicable consent form.
- Landlord verification
- Social Security benefits
- Supplemental Social Security Income (SSI) Benefits
- Assets verification
- Bank accounts: checking accounts - \$500 + balance
- Savings accounts - \$1.00 + balance

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- Marriage Certificate. If not available, the following information is acceptable
 - Drivers license that displays the same address and last names
 - Federal tax forms that indicate that the family filed taxes as a married couple during the last tax reporting period
 - Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple. The couple must also certify in their application for assistance that they are married.
- Personal references: Personal references (other than from family members) may be used when an applicant cannot produce prior rental history records.
- Certification of Good Behavior published by the Puerto Rico's Police Department for all members 18 years or older.
- Current reports from drug treatment centers or facilities, if applicable.
- Unemployment Compensation
- Veterans benefits
- Documentation to support medical expenses
- Any other reasonable information needed to determine eligibility may be requested

A person or family member that has committed acts of fraud or has an arrest record, including a drug related arrest, that reflects that the family member may be a danger to the health, safety, or welfare of the community, will not be allowed to be a participant on the program. The HIA will conduct closer inquiry to determine whether the family should be denied admission. The HIA shall prohibit assistance to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

Individuals who have been evicted from any housing complex for engaging in criminal activities, including drug-related criminal activities, will be denied assistance for the assistance terminated.

Individuals who have entered in violation with the Administration of Public Housing will not be eligible to our Program. Some of this violation could be rent debts, incomes and family compositions among other possible issues to be evaluated.

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Separated Couples with Children

Separation means the ending of co-habitation by mutual agreement. If an applicant or participant is separated from a person and has children by that person or former spouse, the applicant or participant must provide at least one of the verifications listed below:

- A final divorce decree.
- Child Support Court Order.
- Verification that applicant is pursuing child support through Department of the Family throughout its Child Support Unit ("ASUME") or the Judicial System.
- Receiving TANF through the Department of Family for former spouse's children
- A statement from current landlord (not family) verifying that he/she knows that the applicant or participant and spouse have not lived together for the last six months or more.
- Income tax statements from both husband and wife indicating that both filed income taxes separately the last year and that they filed from different addresses.
- A written statement from a shelter for victims of violence, law enforcement agency or social services agency in which they certify that the applicant or participant is subject of physical abuse.
- Food stamp verification, if no other documentation is available.

Separated Couples - No Children

If applicant or participant is separated from a person and has no children with that person, the applicant or participant must provide at least one of the verifications listed below:

- A final divorce decree.
- Income tax statements from both husband and wife indicating both filed income taxes separately the last year and from different addresses.
- Evidence that the applicant has filed suit for divorce because of physical abuse.
- A written statement from a shelter for victims of violence, law enforcement agency or social services agency in which they certify that applicant needs housing due to physical abuse.
- Food Stamp verification, if no other documentation is available.

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U. S. Citizenship Verification and Appeal Procedures

The HA will follow the verification procedures provided by HUD and verify the person or persons declaration of U. S. citizenship through the INS SAVE system. All family members must sign a written declaration of their citizenship or immigration status using the Form provided by HUD according to Section 214 of the Housing and Community Development Act of 1980.

Once the verification is completed and verification from the INS SAVE system confirms the declaration of U. S. Citizenship and the applicant meets all other conditions for occupancy, the applicant will be processed for assistance.

If the INS SAVE system does not confirm U. S. citizenship, the HA must request that a manual search be conducted of INS records. The HA must request the secondary verification (manual search) by INS [Form G8455] within ten (10) calendar days of receipt of the initial failed verification. INS will issue a decision within 30 days of the request for a secondary verification. If the secondary verification fails to confirm eligible immigration status, the HA shall notify the family of the right of appeal to INS. If INS is unable to issue a decision within thirty (30) days, the INS will inform the family and the HA of the reasons for the delay.

When the HA receives a copy of the INS decision and the decision does not confirm the declaration of U. S. citizenship, the HA will notify the family of its right to request an informal hearing. The informal review will be conducted in accordance procedures established by the PHA.

Assistance to an applicant may not be delayed, denied, or terminated, if:

- The primary and secondary verification of any immigration documents that were timely submitted has not been completed.
- The family member of whom required evidence has not been submitted has moved.
- The family member who is determined not to be in an eligible immigration status following INS verification has moved
- The INS appeals process has not been concluded

Assistance to a tenant may not be terminated, if:

- The HA informal hearing process has not been concluded
- Assistance is prorated.

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Assistance to an applicant shall be denied or tenant's assistance shall be terminated, upon the occurrence of any of the following:

- Evidence of citizenship (i.e., the declaration) is not timely submitted
- The family does not pursue its right to a HA informal hearing.
- The final determination after the appeal or hearing decisions is decided against the family member.

If assistance is denied or terminated, adequate notice must be provided to the family, which shall advise:

- That the assistance has been denied or terminated, including a brief explanation of the reasons for such conclusion.
- In the case of a termination of assistance, of their right to an informal hearing.

Criminal Records

All adult applicants and tenants shall provide a criminal records certificate issued by the Police Department of the Commonwealth of Puerto Rico. If decided by the PHA, an applicant or participant could be required to complete an "Authorization for Release of Information". The HA shall request a National Crime Information Center (NCIC) check for criminal history for an applicant or tenant. Applicants and tenants may be requested to furnish fingerprints for this purpose through the local law enforcement office to be sent to the FBI. NCIC information shall be furnished to the HA pursuant to the agreement between the U. S. Department of Housing and Urban Development and the U. S. Department of Justice regarding access to National Crime Information Center Data.

Before the HA takes any adverse action based on a criminal conviction record, the HA must provide the applicant or tenant with a copy of the criminal record and an opportunity to dispute the accuracy or relevancy of the record. For applicants, the copy will be provided at a hearing. The hearing is afforded to each applicant that is denied admission and provides the applicant the opportunity to dispute any information used to deny an applicant housing assistance. For participants, the copy will be provided in accordance with the HA's Informal Review or Hearing Procedure.

The HA will keep all-criminal records received confidential and not misuse or improperly disseminate the information. Criminal records of any adult applicant/tenant that are used as the basis of denying tenancy or eviction are confidential and shall not be disclosed to any person or entity other than for official use or for use in court proceedings. The term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law. Said records shall be maintained in separate files and shall be kept in a locked, secure location. Access shall be limited to

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those employees approved by the Executive Director or its designee such as regional Supervisors.

Records shall be destroyed once action is taken and any grievance procedure, or court proceeding is completed. A notice of record destruction shall be maintained in a separate file.

All other criminal records will be kept in each applicants or participants correspondent file.

The HA will work through their local law enforcement agencies to obtain information from NCIC. Also, the HA may pay reasonable fees charged by law enforcement agencies that provide the information. The applicant or tenant may not be charged for any expenses related to the investigation.

SECTION 7

SECTION 8 APPLICANT SELECTION PROCESSING Tenant Based Voucher, Project Based Voucher, Family Self Sufficiency, And Family Unification

General Amendments effective March 2009

*Amendment for Special Admissions December 8, 2009 and March 8.2010

Equal Opportunity

The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This HA shall not deny any family the opportunity of applying for Housing Choice Voucher Assistance.

Types of Selection

The HA may admit an applicant for participation in the program either:

- As a special admission (See definition below.)
- Income Limits Targeting for Project Based
- Target Funding
- As a waiting list admission
- As a Preference

Special Admissions

Special Admissions will be considered without regard to the waiting list. Applicants who are admitted under the Family Unification subprogram and HUD-VASH Vouchers (Veterans Affairs Supportive Housing) are identified as Special Admission. These vouchers are target for the homeless veteran's population. HUD-VASH vouchers program is a collaborative partnership between the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). HUD provides housing to homeless veterans with Housing Choice Section 8 vouchers, while VA provides case management and supportive services to promote and maintain recovery and independence in community-based housing.

The Administration of Public Housing (AVP) is a Program under the Puerto Rico Department of Housing (PRDH) as well as other programs under the Department, special circumstances will be considered and evaluated to assure that assistance can be approve as continuously assisted families. (Amendment for the Administration of Public Housing (AVP) December 8, 2009*)**

The HA will maintain records showing that the family was admitted as a special admission. Also families residing in a project under a Project-Based Voucher HAP contract, at or near the end of the HAP contract term are considered as special admissions.

Income Limits Targeting for Project Based

There are two income limits that are used to determine eligibility for the Housing Choice Voucher program and a third that is used to assure that the PHA has met its target for assisting the neediest families in the community. This HA has adopted a discretionary policy regarding income-targeting and is establishing an exception to the admission for the Project Based program at 80 percent of the area median income (low-income) families.

For the approval of this exception, the project manager must demonstrate that after a reasonable efforts and actions, it has not been able to identify eligible families. They also should be capable of establishing that the occupancy of the project is not possible with the income limits published by HUD. Reasonable efforts must include:

- Selecting families from Section 8 waiting list, both state and adjacent cities
- Selecting families from Public Housing's waiting list
- Evidence of promotion and marketing efforts
- Evidence to support that there is an elderly population which income limits is more than the very low income but is within the low-income limits and is willing to rent and occupy their project.

Targeted Funding

HUD has awarded the HA special funding for families who qualify under the Family Self Sufficiency or the Family Unification sub-programs. Self-Sufficiency Program participants must have previously been a participants of the Section 8 program. If not possible, this HA will consider families on its Waiting List that are willing to participate in such sub-program. HUD-VASH Vouchers (Veterans Affairs Supportive Housing) are identified as Special Admission. These vouchers are target for the homeless veteran's population. HUD-VASH vouchers program is a collaborative partnership between the Department of Housing and Urban Development (HUD) and the Department of Veterans Affairs (VA). HUD provides housing to homeless veterans with Housing Choice Section

8 vouchers, while VA provides case management and supportive services to promote and maintain recovery and independence in community-based housing.

Admissions to these Programs are considered as "special admissions".

Organization of the Waiting List

Each Regional Office will keep its own waiting list. A copy of each regional waiting list is kept at the Central Office, to assure compliance with federal regulations. A Master Record will be kept at Central Office for control on the issuance and cancellations of vouchers. The Central Office will monitor each Regional Office for control of the program budget.

Except for special admissions, participants must be selected from the respective waiting lists of the regional office in which they originally applied at.

Each waiting list will contain the following information for each applicant listed:

- Sequence number
- Applicant's name and social security number
- Family unit size (number of bedrooms for which family qualifies under HA occupancy guidelines)
- Date and time of application
- Racial and Ethnic designation of Head of Household
- Pull-out date (date of selection)
- Status of application in the Waiting List

Order of Selection from the Waiting list

This HA's Waiting List has merged applications for the Tenant-Based and the Project-Based Voucher Programs, so as to provide applicants with the units that become available according to their status on the Waiting List. When a Housing Choice Voucher or a unit at a Project-Based is available, the HA will select the family at the top of either the preference waiting list or the regular waiting list in accordance with this Section. The order of admission from the waiting list may not be based on family size, or on the family unit size for which family qualifies for under the HA occupancy guidelines. If the HA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the HA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

Considering, however, the provisions of Deconcentration Rule contained within this policy, the HA shall supercede the selection of applicants based on date and time and local preference and proceed to skip families on the waiting list to accomplish this goal. This type of selection will be considered as a Special Admission.

Waiting List Preferences

Admissions from the waiting list will be on a **first come first served basis**. However, families subject to following requirements will be considered without regard to the waiting list procedures. Preferences will have two categories, in which **FIRST** category will be selected before a **SECOND** category preference. Nevertheless, the issuance of such preference will be subject to applicants due diligence in promptly complying with required documentation and strong evidence of alleged situation. **ALL PREFERENCES WILL BE SUBJECT TO PROGRAM DIRECTORS OR ITS DESIGNEES APPROVAL.**

A FIRST category preference will be provided to applicants in the following circumstances:

- **INVOLUNTARY DISPLACEMENT BECAUSE OF NATURAL DESASTER**

Involuntary displacement applicants are required to vacate housing as a result of a disaster (fire, flood, earthquake, hurricane, etc.) that has caused the unit to be uninhabitable.

- **WITNESS OR VICTIM OF CRIME**

Applicants who have been a witness or having provided information on criminal activities to a law-enforcement agency and, after a threat assessment, the law enforcement agency recommends re-housing the family to avoid or reduce risk of violence against the family. The family must be part of a Witness Protection Program or law enforcement agency, which must certify to the HA that the family is part of such or a similar program.

The HA will take precautions to ensure that the new location of the family is concealed in cases participation in a Witness Protection Program.

- **PHYSICAL IMPAIRMENT**

Displacement by non-suitability of the unit when a member of the family has a mobility or other impairment that makes the person unable to use critical elements

of the unit and the owner is not legally obligated to make changes to the unit. The applicant must provide medical record.

Critical elements are entry and egress of unit and building/a sleeping area/a full bathroom/a kitchen if the person with a disability must do his/her own food preparation/other.

- **GOVERNMENTAL ACTION**

Subject to federal, state or local government action related to code enforcement, public improvement or development because of conversion of the applicant's housing unit to non-rental or non-residential use, closure of the unit for rehabilitation or other government use. Also due to HUD disposition of a multifamily project under Section 203 of the Housing and Community Development Amendments of 1978.

A person who is evicted or displaced for non-payment of the rent will not be considered as involuntary displaced and will not be accepted as an applicant for the program. (Effective December 2008)

- **SUBSTANDARD HOUSING**

Substandard Housing – For this purpose substandard housing is defined as inhuman conditions of the dwelling unit that endangers the health, safety or well being of the family. Such conditions must be personally verified and documented by the PHA's staff. The dwelling unit must be under dilapidated conditions; for purposes of meeting the substandard criteria "dilapidated" means the units does not provide safe and adequate shelter, and in its present condition endangers the health, safety or well-being of a family, or the unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding.

- **MENTALLY-ILL HOMELESS PERSON**

Mentally Ill Homeless - For this purpose a mentally ill homeless person is defined as:

- A person with a persistent mental illness;
- That has been provided with a rehabilitation or stabilization process by a state certified institution;
- That is stable within his/her condition;
- Has developed skills to reincorporate themselves into society, and
- Is capable of managing an independent unit dwelling

Their stableness and skills needed to reincorporate the applicant into society must be certified by Administrator of the state's "Administration for Mental Health Services", which will supervise the continuity of supportive services, necessary for the adequate adaptation of the applicant into the community.

In order to receive the FIRST category preference, applicants who have been displaced must not be living in "standard, permanent replacement housing which are decent, safe and sanitary. Standard replacement housing does not include transitory facilities, hotels, motels and temporary shelters. It does not include any individual imprisoned or detained pursuant to State Law or an Act of Congress.

A SECOND category of preference will be provided to applicants in the following circumstances:

- **VICTIM OF DOMESTIC VIOLENCE**

Is defined as follows: Actual or threatened physical violence against the applicant or the applicant's family by a spouse or other household member who lives in the unit with the family. The threatened physical violence must have occurred recently or be a continuing nature. To qualify for this preference, the abuser must still reside in the unit from which the victim was displaced. The applicant must certify that the abuser will not reside with her or him. The HA will require a certification from an employee of a victim service provider from whom the victim has sought assistance in addressing domestic violence. Preference and assistance will be provided to the domestic Violence Victim by any of the PRDH Programs, that is, all explained applications will be referred at first to the Public Housing Administration / "Administración de Vivienda Pública", thereafter, and depending on the availability of vouchers by the Housing Choice Voucher Program.

- **VETERAN (not associated with HUD-VASH Program):**

Veteran's Preference - Among applicants on the waiting list, a second category preference will be provided to Veterans. For this purpose a veteran is defined as a person who has served in the active military service of the United States in the Army, Navy, Air Force, Marine Corps or Coast Guard and who has been released from service under one of the following characterizations:

- Honorable discharge (HD), or
- Under Honorable Conditions (UHC).

The applicant should request that a copy of the veterans DD-214 be provided by fax directly to the regional office of the PRDH. If not possible this document must be presented by the applicant and verified by the PRDH technician directly with Veterans Administrations Office.

- **CHILD ABUSE**

Child Abuse – A preference will be provided to a family in which such preference will protect the best interest of a minor that is under circumstances that constitute child abuse. This preference will only be provided when public housing is not an option, for one of the following reasons: (1) lack of availability in public housing projects in the family's residential area, adequately certified by the Public Housing Administrator, or (2) when the legal custody of the minor(s) is given to an elderly (62 and over). Applicant must obtain a court determination stating that he/she is, or is likely to be, the legal custodian of the minor(s). Throughout this preference the child under abusive circumstances will be provided with a safe and sanitary unit and most of all a home free of violence.

- **VICTIM OF A HATE CRIME**

An applicant whom a member of the family has been the victim of one or more hate crimes, and the applicant has vacated the unit because of the crime or the fear of such a crime has destroyed the applicant's peaceful enjoyment of the unit. A hate crime is actual or threatened physical violence or intimidation that is directed against a person or his property and is based on the person's race, color, religion, sex, national origin, disability or familial status (including sexual orientation) and has occurred recently or is of a continuing nature.

The HA will require evidence of the particular circumstances which must be signed by the Executive Director of the Agency or by the District Attorney.

An applicant who lives in a violent neighborhood or is fearful of other violence outside the household is not considered involuntarily displaced.

Admissions under the Deconcentration Rule

The rule establishes that the HA has to admit no less than 75% of its new admissions to families that have income at or below 30% of the area median income [extremely low income]. Most of the applicant families with income under 30% of the area median income are from poverty and minority concentration areas.

This agency will encourage owners of properties outside poverty or minority concentration areas to offer their units to applicants on our waiting lists. The Agency gives them the service of offering their units by filling out a form with the information on

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the available houses. Each regional office keeps a register of these houses by unit size and municipality. These registers are informed and available to the families when they receive a voucher.

The agency offers owner prompt rent payments and the opportunity to offer their units for rent without having to advertise them.

Periodic meetings with current and prospective owners explaining and updating the program requirements will be held.

Special Assignments

In order to comply with the programs requirements, for Family Self Sufficiency and the Family Unification Programs, as well as for the participants under the TANF program, as required by the QHWRA, this HA has signed Memorandum of Agreements with the Department of the Family and with the Right to Work Administration, in order to satisfy the needs of the families under the program who must attain self-sufficiency.

Preference Verification

The HA will verify all preference claims at the time of application. If the claim cannot be demonstrated at time of application, the family will be maintained on the regular waiting list. The qualification of a preference must be performed by the regional office and requires the written approval of the Director or Coordinator of the Program.

Removing applicants from the waiting list

The HA will remove an applicant's name from the waiting list for the following:

- When the family receives a voucher and executes a lease with an owner.
- When the applicant do not respond to an HA request for information or updating.
- When the applicant refuses to sign the Release of Information form required by the program.
- When the applicant refuse the HA's offer of the kind of housing assistance available and offered for a second time.

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An applicant on the HA's Section 8 waiting list who refuses the HA's initial offer for housing assistance will not lose its place on the waiting list because of its refusal. If the family refuses a second offer, the HA will remove the family from the waiting list.

If applicants falsify documents or make false statements in order to qualify for the assistance provided by the Program, they will be removed from the Waiting List. Individuals who have entered in violation with the Administration of Public Housing (AVP) will not be eligible to our Program. Some of these violations could be rent debts, or income omissions and family's composition among other possible issues to be evaluated.

An ineligible family, for whatever reason, will not be placed on the waiting list.

Procedure for Removing an Applicant's Name from the Waiting List

When the applicant is selected for the waiting list and informed to submit required documentation, if no action is taken by the selected applicant the HA will notify, in writing, that they have ten (10) calendar days from the date of the written correspondence, to respond to the HA's request. The correspondence will also indicate that their names will be removed from the waiting list if they fail to respond within the time frame specified. The HA's system of removing applicants' names from the waiting list will not violate the rights of disabled persons.

If an applicant's failure to respond to a request from the HA for information or update was caused by the applicant's disability, the HA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application, if the applicant provides evidence that he/she did not respond due to a disability. If the disability is not apparent, the HA may request the applicant to have a doctor submit a written statement indicating that the applicant did not respond due to her/his disability.

Purging the Waiting List

To ensure that the HA's waiting list reflects the most current applicant information, the waiting list will be updated and purged on a monthly basis. Applicants should contact the HA every six months, to confirm their continued interest. The HA allows a grace period of 15 days after completion of the purge. Applicants who respond during this grace period will be reinstated.

If an applicant is removed from the waiting list for failure to respond, he/she will not be entitled to reinstatement unless there is evidence of some extenuating circumstances that

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did not allow them to respond to the HA request. This determination needs the written approval of the Director or Coordinator of the Program.

Monitoring the Selection from the Waiting List

Selection from the waiting list is strictly monitored by staff at Central Office by comparison of dated applicants have been selected with the waiting list kept at such office for each of the nine regional offices.

Disposition of files

Inactive application files will be kept for five (5) years (required by state law) on separate files before disposal.

SECTION 8

ISSUANCE OF A HOUSING VOUCHER, OR ASSISTANCE UNDER THE PROGRAM, AND ORIENTATION TO THE FAMILIES

Briefing Attendance Requirement:

All families (head of household) are required to attend the briefing when they are initially assigned with a housing voucher. No Housing Voucher will be awarded unless the household representative has attended a briefing.

The purpose of the briefing is to go over the packet prepared for new tenants in order to inform them about the program, so that they may be able to discuss it with potential landlord or project owners.

Failure to attend a scheduled briefing (without notice to the HA) will result in the family's application being placed in the inactive file and the family may be required to reapply for assistance. Applicants who provide prior notice of an inability to attend a briefing will be scheduled for the next briefing.

Failure of an applicant, without good cause, to participate in a scheduled briefing shall result in withdrawal of his/her application. The applicant will be notified of such withdrawal and determination of ineligibility and of his/her right to an informal review.

Format of the Briefing:

When a family is initially issued with a Housing Voucher, a full explanation (oral) of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions, depending on the circumstances). Also, families will be given adequate opportunity to raise questions and to discuss the information listed below: (Reference 24 CFR 982.301).

- A description of how the program works
- Family and Owner Responsibility
- Where the Family may lease a unit, including renting a dwelling unit inside or outside the HA jurisdiction.
- If the family is assigned a multifamily project unit, a copy of the house rules will be enclosed in the packet.

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Note: For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the briefing must include an explanation of how portability works. The HA may not discourage the family from choosing to live anywhere in the HA jurisdiction, or outside the HA jurisdiction under portability procedures.

If the family is currently living in a high poverty census tract in the HA jurisdiction, the briefing must also explain the advantages of moving to an area that does not have a high concentration of poor families.

When issuing a Housing Voucher, the HA shall give the Family a Section 8 Participant's Packet, which includes: (Reference 24 CFR 982.301)

- **The initial term of the Housing Voucher is 60 days.** A Voucher is valid for a period of 60 days from the date of issuance. Prior to expiration, the family may contact the HA to inquire about assistance the HA can provide the family in locating suitable housing. The family must submit a Request for Lease Approval within the 60- day period, unless an extension has been granted by the HA. Once the family has submitted a Request for Lease Approval, the clock is stopped and/or suspended on the term of the certificate or voucher (See "Suspension"). When the clock is stopped (suspended), the time remaining will be reinstated to the initial 60 – day period of the Voucher, if necessary. If the unit is not approved for any reason, the remaining days will be reinstated to the initial term of the voucher. If the initial term is not adequate for finding a unit to lease, the family may request an extension of the initial term as described below.

To accelerate lease-up this HA could issue a housing choice voucher that could expires in 30 days.

- **Requesting for extension of the term.** A family may request an extension of the Voucher time period. All requests for extensions should be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the HA, primarily for the following reasons:
 - Extenuating circumstances such as family member with disabilities, hospitalization, or a family emergency for an extended period of time that has affected the family's ability to find a unit within the initial 60 day time period will be reason for an extension of the voucher. The HA representative will verify the extenuating circumstances prior to granting an extension.

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- The family has evidence that they have made a consistent effort to locate a unit and request support for services from the HA, throughout the initial 60 – day period with regard to their inability to locate a unit.
 - The family has turned in a Request for Lease Approval prior to the expiration of the 60 – day time period, but the unit has not passed HQS.
- **Time Period for Extensions:** A PHA representative may grant one or more extensions not to exceed a total of 60 days. The initial term plus any extension **MAY NOT** exceed 120 calendar days from the beginning of the initial term. However, considering the difficulty in searching for housing, this HA will consider extending the voucher period, as it may deem necessary, with evidence of efforts to lease a unit. This policy will apply to disabled or regular non-disabled families if there is sufficient verified evidence of the need for the extension.
- **How the HA determines the housing assistance payment for a family:**
 - Information on the payment standard and the HA utility allowance schedule.
- **What the family should consider in deciding whether to lease a unit, including:**
 - The condition of the unit
 - Whether the rent is reasonable
 - The cost of any tenant-paid utilities and whether the unit is energy - efficient. The location of the unit, including proximity to public transportation (if applicable), centers of employment, schools and shopping.
- **Where the family may lease a unit.** For a family that qualifies to lease a unit outside the HA jurisdiction under portability procedures, the information packet must include an explanation of how portability works.
- **The HUD – required “lease addendum”.** (The lease addendum is the language that must be included in the lease.)
- **The form of request for lease approval,** and an explanation of how to request HA approval to lease a unit.
- **A statement of the HA policy on providing information about a family to prospective owners**

- **The HA subsidy standards**, including when the HA will consider granting exceptions to standards.
- **The HUD brochure on how to select a unit**
- **The HUD lead-based paint (LBP) brochure**
- **Information on federal, state and local equal opportunity laws** and a copy of the housing discrimination complaint form.
- **A list of landlords** or other parties known to the HA who may be willing to lease a unit to the family, or help the family to find a unit.
- Notice that if the family includes a disabled person, the family may request a current listing of **accessible units** known to the HA that may be available.
- **Family obligations** under the program.
- The grounds on which the HA may **terminate assistance** for a participant family because of family action or failure to act.
- **The informal hearing procedures.** This information must describe when the HA is required to give a participant family the opportunity for an informal hearing, and how to request a hearing.

Approval of Lease and Execution of Related Documents:

When a family finds a unit, and the owner is willing to lease the unit under the program, the family may request the HA to approve the lease and unit. This HA has a model as contract, so to assure full compliance with HUD and local government requirements.

Note: Property Owners cannot participate in the program if they are disapproved by the Housing Agency.

The HA will perform an initial inspection not later than fifteen (15) calendar days from the request for lease approval. If the HA determines that a unit which an Eligible Family wishes to lease meets the HQS and the proposed Lease is approved, the HA shall notify the Owner and the Family of its determination of Lease approval.

Not later than ten (10) working days after receiving notification from the HA, the Owner and the HA representative shall execute and sign the HAP Contract. At the same day, after the contract is executed, the Owner and the family shall execute and sign the Lease

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and provide a copy to the HA. This HA has established that this process be completed at the Agency's office. The family cannot occupy the unit until the HAP and the lease have been executed by all parties.

The HA shall retain the following in its files:

- The Request for Lease Approval
- The approved lease
- Inspection report
- HA certification that the current rent being charged for comparable units in the private unassisted market, taking into account the location, size, type, quality, amenities, facilities and management and maintenance service of such unit. This certification will be maintained for five years to comply with HUD and local regulations.
- Executed HAP Contract.

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SECTION 9

HAP CONTRACTS AND OWNER RESPONSIBILITY

Owners must sign an Addendum to HAP Contract certifying that are in compliance and have no debts with the Department of Labor and Human Resources, Unemployment and drivers insurances, IRS "Departamento De Hacienda de P R", CRIM "Centro de Recaudaciones Municipales". Certify compliance for the past 5 years with IRS "Departamento de Hacienda" and have no debts and have not been accuse of any offence against the Public Treasury good faith which involved public funds on state or federal properties.

The HAP Contract

- The HAP Contract must be in the form required by HUD.
- The term of the HAP contract is the same as the term of the lease.
- The amount of the monthly housing assistance payment by the Agency to the owner is determined by the Agency in accordance with HUD regulations and other requirements. The amount of the housing assistance payment is subject to change during the HAP contract term.
- The monthly housing assistance payment by the Agency is credited toward the monthly rent to owner under the family's lease.
- The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to the owner. The owner must immediately return any excess payment to the Agency.
- The owner may not demand or accept any rent payment from the tenant in excess of this maximum rent, and must immediately return any excess rent payment to the tenant.

Owner responsibilities

- The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.

The owner is responsible for:

- Performing all management rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the is suitable for tenancy of the unit.
- Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
- Complying with equal opportunity requirements.
- Preparing and furnishing the Agency information required under the HAP contract.

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- Collecting from the family any security deposit and the tenant contribution or family share.
- Any charge of unit damage by the family.
- Enforcing tenant obligations under the lease.
- Paying for utilities and services (unless paid by the family under the lease).
- For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities.

Owner breach of contract

Any of the following actions by the owner (including a principal or other interested party), is a breach of the HAP contract by the owner:

- If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.
- If the owner has violated any obligation under the HAP contract under the Section 8 program.
- If the owner charges rent in excess of the rent established on the lease.
- If the owner does not pay the utilities that are not included in the lease.
- If the owner does not return the security deposit, as establishes by the local law.

Owner debarred

The HA must not approve a unit if the HA has been informed (by HUD or otherwise) that:

- The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing act or the federal equal opportunity requirements and the action is pending.
- A court or administrative agency has determined that the owner violated the Fair Hocusing Act or other federal equal opportunity requirements.

HA Administrative Discretion:

The HA will deny approval to lease a unit from an owner for any one of the following:

- Owner has committed any criminal act (Committed crime, Illegal possession of weapons, sex offender, among others) and is actually serving time under electronical supervision or under parole.
- Owner has violated obligations under a HAP contract.
- Owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program or with the government of the commonwealth.
- The owner has engaged in drug trafficking.

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- The owner has a history or practice on non-compliance with the HQS requirements, state or local housing codes.
- The owner has not paid State or local real estate taxes, fines, or assessments.
- The owner does not return the security deposits when due.
- The owner has demanded or accepted payments in excess of rent determined by the Agency.

The Agency rights and remedies against the owner under the HAP contract include recovery of overpayments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract.

Note: After May 18, 1998, if the owner is a parent, child, grandparent, grandchild, sister, or brother of any member of the participant family, the HAP must not approve the unit. However, if the housing authority determines that approval of the unit would provide reasonable accommodations for a family member who is a disabled person, the unit may be approved.

Automatic termination of HAP contract

The HAP contract terminates automatically 180 calendar days after the last assistance payment to the owner.

Third parties

The HAP contract shall not be construed as creating any right of the family or other third party (other than HUD) to enforce any provision of the HAP contract, or to assert any claim against HUD, the agency, or the owner under the HAP contract.

Owner responsibility for screening applicant's suitable for tenancy

The HA must inform the owner that the HA has not screened the family's behavior or suitability for tenancy and that such screening is the owner's responsibility.

Family's Background:

An owner may consider a family's background with respect to such factors as:

- Payment of rent and utility bills.
- Caring for a unit and premises.
- Respecting the rights of others to the peaceful enjoyment of their housing.
- Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others and compliance with other essential conditions of tenancy.

Information Provided Owner concerning Tenancy:

The HA must give the owner the family's current address (as shown in the HA records) and the name and address of the landlord at the family's current and prior addresses, if known to the HA. The HA will provide information to an owner for all participants when the HA possesses the following:

- The tenancy history members, or
- Drug-trafficking by family members.

SECTION 10

WHERE A FAMILY CAN LEASE A UNIT WITH TENANT BASED ASSISTANCE AND PORTABILITY PROCEDURES

Assistance in the Initial HA's Jurisdiction:

The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction of the initial HA.

This part covers:

- Assistance for a family that rents a dwelling unit in the jurisdiction of the Agency that originally selected the family for tenant-based assistance.
- Portability assistance for a family to whom the Agency rents a unit outside the Jurisdiction of the initial PHA.

Eligible housing

The following types of housing may not be assisted by the Agency in the tenant-based programs:

1. A public housing.
2. A unit receiving project-based assistance.
3. Nursing homes, board and care homes, or facilities providing continual psychiatric or nursing services
4. College or other school dormitories
5. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions.
6. A unit occupied by its owner or by a person with any interest in the unit
7. A unit whose owners has been disapproved by the Agency or HUD

A family may not receive the benefit of tenant-based assistance while receiving the benefit of other housing subsidy, for the same unit or for a different unit, as established on 24 CFR 982.352.

Portability – Assistance Outside the Initial HA Jurisdiction:

Families living in the jurisdiction of the initial HA may receive tenant-based assistance to lease a unit outside the initial HA jurisdiction:

- In the same State as the initial HA

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- In the same metropolitan statistical area (MSA) as the initial HA, but in a different state
- In an MSA that is next to the same MSA as the initial HA, but in a different State, or
- In the jurisdiction of an HA anywhere in the United States that is administering a tenant-based program.

Note: Nonresident applicants (applicants that do not live in the legal jurisdiction of the initial HA) that apply for tenant-based assistance do not have any right to lease a unit outside the initial HA's jurisdiction during the twelve (12) month period from the time the family is admitted to the program. However, the family may lease a unit outside the initial HA's jurisdiction under portability procedures if both the initial HA and the receiving HA agree.

The initial PHA must not provide portable assistance for a participant if the family has moved out of its assisted unit in violation of the lease.

The following apply during the 12 month period from the time when a family is admitted to the program.

- The family may lease a unit anywhere in the jurisdiction of the initial PHA.
- The family does not have any right to portability.
- The initial PHA may choose to allow portability during this period.

If both the initial and receiving PHA agree, the family may lease a unit outside the PHA jurisdiction under portability procedures.

Income Eligibility for portability:

- For admission to the voucher program, a family must be income eligible in the area where the family initially leases a unit with assistance in the program.
- A portable family transferring must be income eligible for the new program in the area where the family leases an assisted unit.
- If a portable family was already a participant in the initial HA voucher program, income eligibility is not redetermined.

Leasing in Place:

If the dwelling unit is approvable, a family may select the dwelling unit occupied by the family before selection for participation in the program.

Freedom of Choice:

When the family selects eligible housing that meets all program requirements, the HA may not directly or indirectly reduce the family's opportunity to select among available units.

Portability – Administration by the Initial HA Outside the Initial HA's Jurisdiction:

When a family moves under portability to an area outside the initial HA's jurisdiction, the initial HA must administer the assistance for the family if:

- The unit is located within the same State as the initial HA's, in the same MSA as the initial HA (but in a different Stat), and
- No other HA with a tenant-based program has jurisdiction in the area where the unit is located.
- If the above conditions exist, the family remains in the program of the initial HA. The initial HA has the same responsibilities for administration of assistance for the family living outside the HA's jurisdiction as for other families assisted by the HA within the HA's jurisdiction.
- The initial HA may choose to use another HA, a private management entity or other contractor or agent to help the initial HA administer assistance outside the HA's jurisdiction.

Portability – Administration by Receiving HA:

When a family moves under portability to an area outside the initial HA's jurisdiction, the receiving HA must administer assistance for the family with a tenant-based program. If there is more than one HA, the initial HA may choose the receiving HA.

Portability Procedures:

The PHA will initially limit portability to extreme need cases until the program grows sufficiently to support ample opportunity where the householder needs to move because of a job opportunity, disabled family member in need of specialized medical services available in the particular area, and other conditions to be further defined.

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This PHA will evaluate and consider issues of available funding before the approval of a portability request, therefore, should funding issues arise this PHA will offer the participant to ask the receiving PHA to absorb the family into their jurisdiction.

The initial HA must determine whether the family is income-eligible in the area where the family wants to lease a unit. The initial HA must advise the family how to contact and request assistance from the receiving HA. The initial HA must promptly notify the receiving HA, and comply with receiving HA procedures for incoming portable families.

The initial HA must give the receiving HA the most recent HUD Form 50058 for the family, and related verification information. If the receiving HA opts to conduct a new reexamination, the receiving HA may not delay issuing the family a voucher or otherwise delay approval of a unit, unless the recertification is necessary to determine income eligibility.

When the portable family requests assistance from the receiving HA, the receiving HA must promptly inform the initial HA whether the receiving HA will bill the initial HA for assistance on behalf of the portable family, or will absorb the family into its own program. The receiving HA must determine whether to extend the voucher term.

The family must submit a request for lease approval to the receiving HA during the term of the receiving HA or voucher. The receiving HA must determine the family unit size is determined in accordance with the subsidy standards of the receiving HA. The receiving HA must promptly notify the initial HA if the family has leased an eligible unit under the program, or if the family fails to submit a request for lease approval for an eligible unit within the term of the voucher. To provide tenant-based assistance for portable families, the receiving HA must perform all HA functions, such as reexamination of family income and composition.

Absorption by the Receiving HA:

If funding is available for the receiving HA, when a voucher is received, the receiving HA may absorb the family into the receiving HA's voucher program.

Note: HUD may require a receiving HA to absorb all or a portion of the portable families.

Portability billing:

The receiving HA may bill the initial HA for housing assistance payment and administrative fees. The initial HA must promptly reimburse the receiving HA for the full amount of the housing assistance payments (HAP) made by the receiving HA for the portable family.

The amount of the HAP for a portable family in the receiving HA's program is determined in the same manner as for other families in the receiving HA program. The

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initial HA must promptly reimburse the receiving HA for 80 percent of the initial HA's on-going administrative fee for each unit month that the family receives assistance under the tenant-based program from the receiving HA. HUD may reduce the administrative fee to an initial HA, if the HA does not promptly reimburse the receiving HA for housing assistance payments or fees on behalf of portable families.

This HA determined that **promptly** means not later than forty-five (45) days from the initial date of the portability and every three months thereafter.

If an HA does not process billing on time, it will have to absorb the portable family.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
MEMORANDUM

TO: [Name]

FROM: [Name]

SUBJECT: [Subject]

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SECTION 11

ABSENCE FROM ASSISTED UNIT

Absence means that no member of the family is residing in the unit. Families participating in the program may be absent from the unit for a determine period of 14 consecutive calendar days which will be notify to the landlord and the HA. At least a telephone number must be provided to the landlord and the HA for emergency's purposes.

The HA may approve absences in excess of 14 consecutive calendar days for vacation, hospitalization or other good cause as presented to the HA by the head of household. The HA will not approve any request for absence for a period of more than 180 consecutive calendar days in any circumstance, or for any reason.

Note: In an emergency situation exists, such as hospitalization, the head of household must notify the HA by telephone as soon as possible and request a determination via the telephone. Verbal request for determination may only be made in emergency situation.

Continued Assistance after Family Break

The HA shall determine which family members will continue to receive assistance after a family break-up. The head of household, spouse, or any adult member of the household must notify the HA that there has been a family break-up and continued assistance is being requested. The assisted family member making the request must submit the request in writing to the HA and request a determination. The request must be made within 10 calendar days of the break-up. The HA will consider the following factors in making this determination:

- **Assisted Unit:** Whether the assistance should remain with family members remaining in the original assisted unit.
- **Interest of Family Members:** The interest of minor children or of ill, elderly or disabled family members.
- **Physical Violence:** Whether family members are forced to leave the unit as a result or actual or threatened physical violence against family members by a spouse or other member of the household.

The HA will issue a determination within 10 calendar days of receipt of the request for an informal hearing. The person requesting the determination may request an Informal Hearing in accordance with the HA established procedures if they disagree with the determination of the HA.

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Note: If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the HA is bound by the court's determination of which family members continue to receive assistance in the program.

SECTION 12

SUBSIDY STANDARDS

The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding. The subsidy standards must be applied consistently for all families of like size and composition.

The family unit size as determined for a family under the HA subsidy standard is used to determine the maximum rent subsidy for a family assisted in the voucher program.

The following subsidy standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing:

Subsidy Standards to be applied by this HA:

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	Minimum	Maximum
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

Section 8 participants shall be issued a Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the HA may grant an exception to the above subsidy standard if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live in aide resides with the family. Any live in aide must be approved by the HA, in advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live in aide must be counted in determining the family unit size. A medical certificate indicating health condition and need for a living aide must be provided before its approval.

A single person can rent a larger unit size if the owner agrees to accept the rent for a zero or a one bedroom unit.

A family that consists of a pregnant woman (with no other persons) must be treated as a **two-person** family, but only for determining the number of bedrooms. The woman must submit a certificate of at least four-month pregnancy.

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A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

Small children of different sex may have their own bedroom, or share one, as may be require by the family.

The HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap or other personal circumstances. Medical certificates will be required when considering an exception based on health or handicap.

Size of unit occupied by family

The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.

The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit as long as the gross rent required does not exceed the payment standard of the number of bedrooms required and assigned by the PHA.

Violation of HQS space standards

If the HA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the HA must issue a new voucher, and the family and the HA must try to find an acceptable unit as soon as possible.

If an acceptable unit is available for rental for the family, the HA must terminate the HAP contract in accordance with its terms.

SECTION 13

HOUSING QUALITY STANDARDS AND INSPECTIONS

Inspection Standards

***Amended 8/31/09**

Before a unit can be approved for occupancy under Section 8 program, the unit must meet the performance requirements set forth in 24 CFR 982.401, which are the Housing Quality Standards (HQS).

Any Special circumstances will be evaluated and consulted as set in the established State Codes of Certified Electricians and Plumbers.

Housing Quality Standards

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS are required both at initial occupancy and during the term of the lease, that is, throughout the assisted tenancy. HQS standards apply to the building and the exterior premises, as well as the unit.

Inspections of private landlord's property

When the HA receives a Request For Tenancy Approval (RFTA), the HA shall inspect the unit within fifteen (15) days from the request for compliance with the HA's housing quality standards (HQS). This HA will strongly try to comply with the inspection requested in a period that will not exceed seven (7) days. If there are defects or deficiencies with HQS standards they must be corrected in order for the unit to comply with HQS standards, the owner must be advised in writing by the HA of the work required to be done before a Contract is executed. The unit will be re-inspected to ascertain that the necessary work was performed and the unit met the HQS standards for occupancy.

***PRDH has established that for the new admission inspection and:**

- **The unit must be ready to be inspected and when water and electricity are provide by the owner they must be installed and free of hazardous conditions as required by regulation.**
- **When those utilities are not provided by the owner a Certification will be signed by him or she, establishing that there are no deficiencies with water and electricity connections. If a failure appears within 5 days of signing the Lease and HAP contracts, payments will be abate immediately and a new voucher will be issue to the family.**

The HA will maintain a copy of every inspection and re-inspection report for five years, with no exception. If the unit inspected requires testing for Lead Based Paint and/or the unit requires treatment of chewable surfaces based on the testing, the HA shall keep indefinitely the test results and, if applicable, the Owner certification of the treatment. The inspection reports will specify the defects or deficiencies that must be corrected in order for the unit to be corrected for meeting the HQS standards.

Types of HQS Inspections and requirements:

- **Initial Inspections:** Performed by the HA staff after receiving the Request For Tenancy Approval from the applicant. It will be conducted to determine that the unit and property meet the HQS. Document the current condition of the unit as a basis to evaluate whether the future condition of the unit exceeds normal wear and tear. If the unit fails to initial HQS inspection, the family and owner will be advised to notify the HA once repairs are completed. The Owner will be given up to 30 days to correct the items noted as Fail. If the time period has elapsed the family must select another unit.
- **Annual HQS Inspection:** Required for tenants continuing to receive assistance and remaining in the same unit. Regional Offices Inspectors will conduct at least an annual inspection within 90 day prior to the anniversary month of the contract.
- **Re-Inspections:** Performed by HA staff for the purpose of verifying that the deficiencies noted in the previous inspection have been corrected and meet HQS.
- **Quality Control Inspections:** The Section 8 Coordinator or designated staff will re-inspect five percent (5%) (based on a random sample) of the total number of Section 8 units under HAP contract to insure that inspections are being performed in compliance with HQS standards. The Regional Supervisor may perform some of the re-inspections if necessary. The Regional Supervisor will maintain a file that documents the quality control inspections.
- **Special inspections:** These types of inspections may be necessary when Federal Official visits the HA to perform compliance review of the HA and/or the Owner may request a special inspection to document unit condition. Special inspections may be schedule between anniversary dates.
- **Move-Out Inspections:** Are not required since the HA is not responsible for damages on the property. If an Owner request a move-out inspection to substantiate a damage claim/violation of family obligation, the inspection must be completed prior to the work that will correct the damage being done. Pictures will be accepted to sustain damages. The HA may use this evidence to terminate the continuing assistance to the participant because of a family violation.

Note: The HA may only be responsible for a portion of a damage claim for HAP contracts existing prior to October 2, 1995.

HQS Inspection Areas:

The following areas are included in HQS inspections:

- Sanitary Facilities
- Food preparation and refuse disposal
- Space and security
- Thermal environment
- Illumination and electricity
- Structure and materials
- Interior air quality
- Water supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary conditions
- Smoke detectors

Note: The HA's inspection only certifies that the unit meets HQS federal regulations and the HA is not responsible for items not included in the HQS inspection.

Acceptability Standards:

1. Smoke detectors will be required as per HUD regulations and the National Fire Protection Association. At least one smoke detector must be installed in every multiple dwelling unit. The detector must be installed on the ceiling and within 15 feet of all rooms used for sleeping purposes. There must be at least one detector for each level on which a room is used for sleeping purposes.
2. A bedroom must have a floor area of not less than 70 square feet.
3. The minimum bedroom ceiling height must not be less than seven (7) feet six (6) inches.
4. Every room used exclusively as a bedroom shall have access to at least one bathroom without passing through another room used exclusively as a bedroom.
5. Each bedroom must provide natural ventilation through a window, skylight or other acceptable opening.
6. Partitions separating rooms used for bedrooms from other rooms must be of "one-hour-fire-rated" construction.
7. The dwelling unit must include sanitary facilities within the unit. It must be in proper operating condition (proper drain and sewer trap). The unit must have a fixed basin (Lavatory) with hot and cold running water in proper operating conditions. Must have a shower or tub with cold and hot running water in proper operating conditions and afford privacy.
8. The unit must have suitable space and equipment to store, prepare, and serve food in a sanitary manner.

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9. The dwelling must have a kitchen sink in proper operating condition with cold and hot running water and must drain into approved public or private system.
10. The dwelling unit must provide adequate space and security for the family. At a minimum, the unit must have a living room, a kitchen and a bathroom.
11. Exterior doors to the unit must be lockable.

HQS General Policies:

The dwelling units have to be inspected at least annually, if fail items are noticed during the inspection the staff must notify in written to the owner or tenant such findings. The Owner or Tenant must be given time to correct the failed items.

Time Standards for Repairs.

There are three guidelines to use:

1. If the item endangers the family's health or safety the owner must be given 24 hours to correct the violation.
2. For less serious failures the owner must be given up to 30 days to correct the items. This HA has established that the owner will have 20 days to correct deficiencies noted. If extension is requested, additional 10 days will be granted.
3. For major repairs or weather-deferred items, the Section 8 Program Director may approve an extension beyond 30 days.

Emergency Repair Items:

The following items are considered to be of an emergency nature and must be corrected by the owner or tenant (whoever is responsible within 24 hours of notice by the Inspector. Other items may constitute an emergency at the discretion of the Inspector if they appear to represent an immediate threat to the health or safety of the family:

- No electricity or running water
- Major plumbing leaks or flooding
- Any electrical outlet, switch, stationary light fixture, fuse box or circuit breaker that smokes, sparks or short circuits creating a fire hazard.
- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Natural gas leak or fumes
- Utilities not in service
- No running hot water
- Lack of functioning toilet
- Obstacle which prevents tenant's entrance or exit

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If the emergency repairs items are not corrected in the time period required by the HA, and **the owner is responsible**, the housing assistance payment will be abate and the HAP contract will be terminated.

If the emergency repair items are not corrected in the time period required by the HA and is **a family obligation**, the HA will terminate the assistance to the family and the owner's payment will not be abate.

Abatement:

A Notice of Abatement will be sent to the owner, and the full amount of assistance will be abated effective on the first of the month following the notice.

If the owner makes repairs during the abatement period, payment will resume on the first of the month following the unit pass inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with the HQS. The notice of abatement will state that the tenant is not responsible for the HA's portion of the rent that was abated.

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SECTION 14 (Amendment March 11, 2009)

**DETERMINATION OF PARTICIPANT RENT AND REEXAMINATION
OF INCOME AND FAMILY CIRCUMSTANCES**

The annual reexamination determines the continued eligibility of the family and establishes the housing assistance payment (HAP) to be made on behalf of the family. The re-examination date will correspond with the anniversary date of the HAP contract. Notices to comply with the annual reexamination will begin 90 days prior to the anniversary date of the HAP contract.

Rent as initially determined or at annual reexamination will remain in effect for the period between regular reexamination of family income and composition, unless the following changes in family circumstances occur. Also, Section 8 participant agrees to report, in writing, and provide certification following any change in annual income within ten (10) calendar days of the following occurrences:

- Loss or addition of family composition of any family member through birth, death, divorce, removal of other continuing circumstances and the amount, if any, of family member's income.
- Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is 18 years of age.
- To correct errors made when determining eligibility or at reexamination.

Note: If an error results in a retroactive rent payment due to the participant not providing correct information concerning annual income, the Section 8 participant may request the HA representative to approve a repayment schedule. The Section 8 participant must make the request, in writing, to the HA representative. The amount of the repayment will be the highest of \$10 per month or ten percent (10%) of the monthly-adjusted income. The HA representative will provide the Section 8 participant with a written response to the request and if approved, the written notification will include the amount of the monthly repayment plus the due date of the first payment.

Families with zero (0) income may be requested to re-certify more frequently.

The final estimate of Family Income will be made by the HA on the basis of verified information regarding income.

Income limits will not be used as a test for continued eligibility at re-certification, but the staff should use good interviewing skills with the established interview guide to be completed by the participant and reviewed by staff to determine whether there is income that is not being reported.

Annual Re-examination:

This PHA has adopted the anniversary date of the HAP contract as the re-examination date. Families will be required to provide in person, information on income, assets, allowances, deductions and changes in family composition at least annually. Families will be notified in writing the date and location of the re-examination appointment and what are they required to bring to the interview.

A 3rd Party Verification sheet has been established to assure that all income received by the participant's monetary or not, are being correctly considered and included. The HA will send out third party verifications wherever possible, upfront verifications methods are being established to assure compliance with federal regulations.

"In-home re-examinations" are available for the elderly or families which head of household is physically disabled.

NOTE: A family's failure to comply with the HA re-examination requirements is ground for terminating assistance. Failure to inform incomes or proper incomes will be cause for termination in the HCVP. Once the income omission is confirmed a debt will be established that should be paid in full. An automatic termination will take place immediately as established in HUD 24CFR. Family could ask for installment payments and if requested, family's will be granted with the Informal Hearing Process.

Re-examination Notice to the Family

The HA will maintain a re-examination tracking system and will commence procedures at least 90 days prior to the schedule annual re-examination effective date. The HA will send a package of documents to the family which specify the necessary documents in order to complete the reexamination process.

The following are some of the standards forms used or required by the HA when completing re-examinations:

- Family Certification: States family's composition, ages, social security numbers, status of citizenship, income and assets. This form has to be signed by the head of household.
- HUD Form 9886: Authorization for release of Information / Privacy Act Notice [to be signed by all members 18 years or older]
- Verification Forms: For income, medical and disabilities expenses.
- School Certifications
- Child Support Certification
- Form 214 "Alien Status or Citizenship"
- Privacy Act
- 3rd Party Verification sheet

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Records shall be maintained by the HA to insure that every participant's income and family composition has been reexamined within a twelve-month period.

Upon completion of verification and reexamination, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following:

- Any change in rent and the date on which it becomes effective.
- Any change required because of a change in the family composition.

The HA will notify both the owner and the tenant of its determination of the new rent to be paid by the tenant and the new HAP (Housing Assistance Payment).

If the family does not respond to the initial notice, the HA will send a second letter requesting to comply. In the event of failure or refusal of the family to report the necessary information, the HA will notify the intention of Termination of Assistance, providing adequate notification of their right to request an informal review within 10 business days. If an informal review is requested, it should be schedule and conducted by the HA. If not, the HA will notify the Termination of the Assistance.

Interim Re-determination of Rent:

The rent determined at admission or annual reexamination will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant is required and agrees to report, in writing, the following specified changes in family income and composition within ten (10) calendar days of occurrence:

- Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any , of such family member's income. Any such additions, other than birth, must be approved, in advance by the HA and must be eligible, the same as an applicant or any prospective new participant.
- Employment, unemployment or changes in income for employment of a permanent family head, spouse, or other wage under eighteen (18) years of age or older.
- The starting of , or stopping of, or an increase or decrease of any benefits or payments received by any member of the family or household from Pensions (government or private), Aid for Dependent children, Disability Compensation, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts.

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- Lump sum payments or retroactive payments of benefits from any of the above sources that constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.

Cost of living increases in Social Security benefits or public assistance grants need not be reported until next re-examination and re-determination of rent.

Effective Dates of Interim Re-determination of Rent:

Families and owners must be notified in writing of an interim examination results and the effective date of the change in HAP and family share of the rent.

Any decrease in rent resulting from any decrease in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.

Any increase in rent resulting from an increase in family income will be made effective the first day of the second month following the date in which such increase in family income occurred and was adequately notify to the HA. The family must pay back any rent due because of failure to report such increase in family income.

- Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development.
- Temporary employment/unemployment or increases and decreases in wages "for any reason" of less than 30 days will not require a rent adjustment.

NOTE: If it were found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be paying the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and/or criminal penalties. Misrepresentation is a serious program violation, which may result in termination of assistance and referred to The Department of Justice and HUD's – OIG office.

Minimum Rent Hardship Exemptions:

The HA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship, which shall include:

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- The family has lost eligibility for, or is awaiting an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationalization Act who would be entitled to public benefits.
- The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent of increase to the existing minimum rent.
- The income of family has decreased because of changed circumstance, including loss of employment.
- A death in the family has occurred which affects the family circumstances.
- Other circumstances which may be decided by the HA on a case-by-case basis.

All of the above must be proven by the Resident, providing verifiable information in writing to the HA prior to the rent becoming delinquent and before the lease is terminated by the HA.

If a resident request a hardship exemption (prior to the rent being delinquent) under this section, and the HA reasonably determines the hardship to be a temporary nature, exemption shall not be granted during a ninety day period beginning upon the making of the request for the exemption. A resident may not be evicted during the ninety-day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long term basis, the HA shall retroactively exempt the resident from the applicability of the minimum rent requirement for such ninety day period.

The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper. It also mentions the author's affiliation and the journal's name.

The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study. The abstract is followed by the introduction, which sets the context for the research and states the objectives of the study.

The main body of the paper consists of several sections. The first section is the literature review, which discusses the existing research on the topic. The second section is the methodology, which describes the research design and the data collection process. The third section is the results, which presents the findings of the study. The fourth section is the discussion, which interprets the results and discusses their implications.

The final part of the document is the conclusion, which summarizes the main findings and provides recommendations for future research. The paper ends with a list of references, which includes the works cited in the text. The entire document is written in a formal, academic style and is intended for a professional audience.