



# Housing Choice Voucher Administrative Plan

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## ***Definition of Housing Terms***

These definitions are provided for the reader's convenience. They do not supersede the definitions found in HUD's program regulations for the same terms. The complete list is found in Part 5 of the HUD regulations.

**1937 Housing Act:** Includes any of the following programs:

- (a) The Public Housing Program or Indian Housing Program.
- (b) Any program assisted under Section 8 of the 1937 Housing Act (42 U.S.C. 1437f), including assistance under a Section 8 tenant-based or project-based program.

**Abusive or violent behavior against NHHFA personnel:** Abusive behavior or threatened abuse towards NHHFA personnel includes verbal abuse or verbal harassment, whether communicated orally, in electronic format or in print format. It includes, but is not limited to the use of profanity, racial slurs, or gender-based labels, or other language that is customarily used to intimidate. It includes behavior that consists of physical abuse or physical violence. Threatening refers to oral or written threats, physical gestures or physical contact that communicates intent to abuse or commit violence against NHHFA personnel.

**Absorption:** In portability, the point at which a receiving PHA stops billing the initiating PHA for assistance on behalf of a family living in the receiving PHA's jurisdiction.

**Accessible:** The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

**Administrative fee:** Fee paid by HUD to the PHA for administration of the program.

**Adjusted income:** Annual income less allowable HUD deductions and allowances.

**Administrative Plan:** The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and are included as a supporting document to the PHA plan.

**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. The date used for this purpose is the effective date of the first HAP (Housing Assistance Payment) contract for a family.

**Annual Income:** The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.



**Applicant (or applicant family):** A person or family who has applied for housing assistance.

**Bifurcate:** With respect to the Housing Choice Voucher Program, an action that allows removal of a household member from the program and the lease without terminating the tenancies or program participation or other household members.

**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 13 years of age during the period for which the 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.

**Co-head:** An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have the legal capacity to enter into a lease.

**Computer match:** The automated comparison of databases containing records about individuals.

**Continuously Assisted:** 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.

**Criminal Activity:** Any other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontract or agent).

**Currently Engaging In:** With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity; currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

**Dependent:** Is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be

dependents: the head of household, spouse, co-head, foster children/adults and live-in aides.

**Disability Assistance Expense:** Reasonable expenses that are anticipated, during the period for which annual income is computed for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside agency.

**Disabled family:** A family whose head, co-head, spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live in aides.

**Displaced Person:** A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

**Drug-Related Criminal Activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in Section 102 of the Controlled Substance Act) (21 U.S.C. 802).

**Earned Income Disallowance:** Allows disabled participants who have been out of work to go back to work without having their rent increase right away. 100% of the increase in income attributable to new earnings is excluded for 12 months. 50% of the increase in income attributable to new earnings is excluded for 12 months.

**Elderly family:** A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live in aides.

**Elderly Person:** An individual who is at least 62 years of age.

**Extremely Low Income:** A family whose annual income does not exceed 30% of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

**Fair Market Rent:** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities.

**Family:** A family includes but is not limited to, individuals living with another person or persons,

regardless of marital status or actual or perceived sexual orientation or gender identity. The family can consist of a single person, an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such groups include but are not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), a displaced family, or the remaining member of a participant family.

**Family Self Sufficiency (FSS) program:** The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.

**Family Unit Size:** The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the occupancy standards.

**Federally Assisted Housing:** Housing as defined in Part 5.100.

**Full time student:** A person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

**Gender Identity:** Gender identity means the gender with which a person identifies, regardless of the sex assigned to that person at birth and regardless of the person's perceived gender identity. Perceived gender identity means the gender with which a person is perceived to identify based on that person's appearance, behavior, expression, other gender related characteristics, or sex assigned to the individual at birth or identified in documents.

**Gross Rent:** The sum of the rent to owner plus any utility allowance.

**HAP Contract:** Housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

**Head of household:** The adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse. The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law.

**Household:** A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

**Homeless family:** A homeless family is a family that lacks a fixed, regular and adequate nighttime residence and also has a primary nighttime residence that is a supervised

publicly/private operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing), an institution that provides a temporary residence for individuals intended to be institutionalized or a public/private place not designed for, or ordinarily used for sleeping by human beings. A homeless family does not include an individual imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

**Housing Assistance Payment:** The monthly assistance payment by the PHA, which includes: a payment to the owner for rent to the owner under the family's lease; and an additional payment to the family if the total payment exceeds the rent to the owner.

**Housing Quality Standards (HQS):** The HUD minimum quality standards for housing assisted under the voucher program.

**HUD:** The US Department of Housing and Urban Development.

**Incidental profit making:** Earned income from work done in the assisted unit, which does not change the fundamental use of the unit.

**Income:** Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

**Jurisdiction:** The area in which the PHA has authority under state and local law to administer the program.

**Lease:** A written agreement between an owner and a participant for the leasing of a dwelling unit to the participant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payment under a HAP contract between the owner and HUD.

**Live-In Aide:** A person who resides with an elderly, near elderly or disabled person who:

- (a) Is determined to be essential to the care and wellbeing of the person.
- (b) Is not obligated for the support of the person.
- (c) Would not be living in the unit except to provide necessary supportive services.

**Low-Income Family:** A family whose annual income does not exceed 80 percent of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

**Moderate Rehabilitation Program:** The Moderate Rehabilitation Program provides project-based rental assistance for low-income families. The program was repealed in 1991 and no new projects are authorized for development. Assistance is limited to properties previously

rehabilitated pursuant to a housing assistance payments (HAP) contract between an owner and a Public Housing Agency (PHA).

**Near Elderly:** Near elderly means a family whose head, co-head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62.

**Occupancy Standards:** Standards established by the PHA to determine the appropriate number of bedrooms for families of different sizes and compositions. See definition of “family unit size”.

**Owner:** Any person or entity with the legal right to lease or sublease a unit to the participant.

**Part-time student:** A person who is attending school or vocation training on a part time basis.

**Participant family:** A family who has been admitted to the voucher program. The family becomes a participant on the effective date of the first HAP contract executed for the family.

**Payment Standard:** The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family). 24 CFR 982.4.

**Person with Disabilities:** Means a person who:

- (a) Has a disability as defined in 42 U.S.C. 423.
- (b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - (1) Is expected to be of long continued and indefinite duration;
  - (2) Substantially impedes his or her ability to live independently, and
  - (3) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
- (c) Has a developmental disability as defined in 42 U.S.C. 6001:
  - (1) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.
  - (2) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
  - (3) Means “individual with handicaps”, for purposes of reasonable accommodation and program accessibility for persons with disabilities

**Portability:** Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

**Public housing agency (PHA):** Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist

in the development or operation of low-income housing under the 1937 Act.

**Ranking Preference:** A preference used to select among families that qualify for a federal preference, or when federal preferences are not being used, to select from the list.

**Reasonable Accommodation:** A change, exception or adjustment to a rule, policy, practice, or service necessary to allow a person with disabilities to fully access the PHA's program or services.

**Reasonable rent:** A rent to owner that is not more than the rent charged: for comparable units in the private unassisted market; and for comparable unassisted units in a premise.

**Recertification:** Sometimes also called reexamination. The process of securing documentation of total family income used to determine the rent the participant will pay for the next 12 months if there are no additional changes reported.

**Remaining members of a participant family:** Members of an assisted family, including emancipated minors, who remain in the unit when other members of the family are deceased or who have left the unit are remaining members. Household members such as live-in-aides, foster children and foster adults do not qualify as remaining members of the family. If dependents are the only remaining members of the participant family NHHFA will offer housing assistance to a court appointed guardian or other adult named to care for the children. All eligibility requirements must be met by the person who will be caring for the dependents.

**Section 8:** Section 8 of the United States Housing Act of 1937.

**Sexual orientation:** An individual's physical and/or emotional attraction to the same and/or opposite gender.

**Single Person Family:** A person living alone or intending to live alone. A single person family may be an elderly person, a displaced person, a disabled person, or any other single person as noted in 982.201 (c)(4) (I-iv).

**Subsidy standards:** Standards established by the PHA to determine the appropriate number of bedrooms and the amount of subsidy for families of different sizes and compositions.

**Special admission:** Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

**Suspension:** Stopping the clock on the term of a family's voucher after the family submits a request for tenancy approval. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines to whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension. This practice is called tolling.

**Tenancy addendum:** For the housing choice voucher program, the lease language required by HUD in the lease between the participant and the owner.

**Total tenant payment or TTP:** The total amount the HUD rent formula requires the tenant to pay towards rent and utilities.

**Utility allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the participant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by the PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.

**Utility reimbursement:** In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner. This amount can be paid directly to the utility provider on behalf of the family with their consent.

**VAWA:** The Violence Against Women and Justice Department Reauthorization Act of 2013 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation from being evicted or terminated from housing assistance based on acts of such violence against them.

**Very Low-Income Family:** A family whose annual income does not exceed 50 percent of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

**Violent Criminal Activity:** Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage including but not limited to murder, manslaughter, assault, rape, robbery, burglary, arson, and kidnapping. Simple assault by itself is not included as a violent criminal act under this section.

**Voucher:** A document issued by the Housing Authority to a family selected for participation in the rental voucher program. The voucher describes the program and the procedures for Housing Authority approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

**Voucher Holder:** A family holding a voucher with unexpired search time.

**Wrong-size Unit:** A unit occupied by a family that does not conform to the Housing Authority's subsidy guideline for family size, by being too large or too small compared to the guideline.

## **1. Policy and Objectives**

### **1.1 Overview**

New Hampshire Housing Finance Authority's (NHHFA) Administrative Plan will address areas noted in the regulations that require a housing authority to establish their policies for Housing Choice Voucher (HCV) and Moderate Rehabilitation Program (Mod Rehab). Regulations will not always be restated. Staff processes are noted in the Operations Procedures Manual (OPM).

### **1.2 Mission Statement**

NHHFA's mission is to promote, finance and support affordable housing and related services for the people of New Hampshire.

### **1.3 Policy and Objectives**

- (a) NHHFA utilizes the Section 8 Housing Choice Voucher (HCV) Program as one of its major housing vehicles options to assist low-income participants in locating safe, decent, and sanitary housing within affordable limits. NHHFA has statewide jurisdiction. Participants are likely to be assisted in a variety of unit types including walk-up, duplex, single family, and manufactured homes. Owners of manufactured homes are eligible under the program. Other types of housing or households will be served as changes in regulations/statutes permit.
- (b) Operating expenses for the Section 8 HCV program are controlled through NHHFA's annual operating budget process as submitted by the Executive Director and approved by the Board of Directors. The Executive Director is authorized to expend up to \$25,000 of Section 8 administrative fee reserve during any one fiscal year without direct Board approval. The Board of Directors will be notified of such expenditure. Any amount exceeding \$25,000 must first have Board approval.
- (c) NHHFA will coordinate its program with other local housing authorities, other state agencies and local agencies to make the most effective use of the monies available. This will include working with special interest groups attending to the needs of individuals with disabilities, elderly, terminally ill and extremely and very low-income families. NHHFA will also assist families with housing needs through its programs and referrals to housing related services.

### **1.4 Code of Conduct**

- a) Confidential and/or sensitive information shall be used solely for NHHFA purposes and under no circumstances revealed to unauthorized persons, except as required by law. Employees shall not access or attempt to access client and/or employee records or



information including confidential and/or sensitive information unless such access is directly related to NHHFA business and is performed in the normal course of the employee's job.

All Board members and employees shall avoid conflicts of interest provided, however, that Board members shall comply with the provisions of RSA 204-C:3. Board members and employees shall not participate in any matter in which they, or their spouse or dependents, have a private interest which may directly or indirectly affect or influence the performance of their duties, except where a Board member having such a conflict of interest has complied with the requirements of RSA 204-C:7, in which case the Board member, their spouse, or dependents may pursue private interests involving NHHFA. Employees shall disclose to the Executive Director matters of which they are aware involving relatives which may have, or give the appearance to have, an effect on their ability to impartially perform their duties; in the case of the Executive Director, such disclosure shall be made to the Chair of the Board.

- b) Information which might reflect favorably or adversely upon the present or future value of any beneficiary or potential beneficiary of NHHFA shall not be used in any manner except solely and exclusively in the interests of NHHFA.
- c) Pursuant to RSA 204-C:7, it shall not be nor shall it constitute a conflict of interest for a board member, officer or employee of any financial institution, investment banking firm, brokerage firm, commercial bank or trust company, architectural firm, insurance company or any other firm, person or corporation to serve as a member of the Board. If any member of the Board shall be interested either directly or indirectly or shall be a board member, officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract with NHHFA, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the Board and shall be set forth in the minutes of the Board and the Board member or employee having such interest shall not participate on behalf of NHHFA in any proceedings relating to the authorization of any such contract.
- d) No Board member or employee shall, without first complying with the provisions of Section 3(d), make any personal investment, engage in any transaction or professional activity, or incur any obligation of any nature which would create, or which such person should reasonably foresee would create, an interest in a business, contract, property or investment involving NHHFA that would knowingly result in a conflict of interest with NHHFA. Further, no Board member or employee shall directly or indirectly use any information obtained as a result of their affiliation with NHHFA for personal or financial gain.

- e) No Board member or employee shall use his or her position or employment with NHHFA, or use NHHFA facilities, information, equipment, or supplies, except to advance the interests of NHHFA and its beneficiaries.
- f) No Board member or employee or their spouses or dependents shall solicit or accept or agree to accept for themselves or for transfer to others:
  - i. Any gift for themselves or any other person or organization, regardless of value, from any individual, organization, or enterprise which provides services to NHHFA or participates in any program operated or managed by NHHFA, except as noted below in subsection (h);
  - ii. Any direct or indirect benefit, gratuity, or emolument as consideration for a decision, opinion, recommendation, transaction, vote, or other exercise of discretion by a Board member, employee, or other agent or representative of NHHFA; or
  - iii. A gift from a person who is subject to or likely to become subject to or interested in, any matter or action pending before or contemplated by any Board member or employee or by NHHFA.
- g) Nothing in this section shall be construed to prohibit gifts made to NHHFA and accepted in accordance with the law. The following types of gifts are permissible, provided that they are not solicited by the Board member or employee and are not intended to influence the Board member's or employee's official action.
  - i. Items of little economic value which are intended solely for presentation, such as greeting cards, plaques, certificates and trophies.
  - ii. Gifts of reminder advertising with a value of \$25.00 or less.
  - iii. Gifts clearly given because of a family or personal relationship.
  - iv. Rewards and prizes in contests open to the public.
  - v. Free attendance at an event at which the employee is speaking or presenting information on behalf of NHHFA.
  - vi. Meals and/or refreshments that are part of an official event, such as a conference or seminar.
  - vii. Meals and/or refreshments having a value of \$25.00 or less provided in concert with a business meeting.

- viii. Token gifts of food and/or refreshments provided during a holiday season which are shared among members or employees.
- h) Items received under (iii) and (iv), with a value of \$50 or more, shall be disclosed by employees to the Managing Director, Administration/Human Resources, in the case of the Executive Director to the Chair of the Board within two business days; by Board Members to the Chair within seven business days; and by the Chair to the Finance and Administration Committee within seven business days.
- i) No Board member or employee shall represent any person in any action or proceeding before or involving the direct interests of NHHFA except as a duly authorized representative or agent of NHHFA. No former Board member or employee shall, for a period of one year following such service, represent any person or entity on behalf of such person or entity on a specific matter before NHHFA which such former Board member or employee dealt with while a NHHFA employee or Board. Upon the happening of such event, the entity being represented in violation of this Section shall be disqualified from doing business with NHHFA on the matter in question. Subsequent to the one year waiting period, the Board of Directors shall be given written notice of any circumstances in which a former Board member or employee acts as a representative of any person or entity on a matter before NHHFA. The Board of Directors may waive the one-year waiting period if it determines that there is good cause for such a waiver and that such action is in the public interest.
- j) No Board member or employee shall borrow from professional advisors or consultants, banks or other financial institutions with which NHHFA has a business relationship, except and unless such entities are normally engaged in such lending in the usual course of their business, and then only on terms offered to others under similar circumstances.
- k) No Board member or employee with discretionary authority to appoint, elect, hire, or advance NHHFA staff, whether such authority is granted by statute delegated by the Board or by the Executive Director, shall exercise that authority in favor of persons related (as defined in Section I 2:A.2(a)(vi)) to any Board member or persons related to an employee also in a position to appoint, elect, hire, or advance NHHFA staff. This shall not prevent the retention or advancement of any person employed by NHHFA as of the effective date of this policy, or any person employed by NHHFA for at least 30 days prior to the appointment of a Board member or advancement of an employee to a position of discretionary responsibility over staff; provided, however, that in no instance shall a Board member or employee participate in or influence any deliberation, evaluation, recommendation, or other decision process or discretionary action regarding such related employee.
- l) Board members, employees, or professional advisors to NHHFA shall disclose to the Board any direct or indirect ownership or beneficial interest that such person or his or

her relative or co-venturer may have in any organization which provides services to NHHFA, or a beneficiary or potential beneficiary to NHHFA. If a conflict of interest between such persons and NHHFA exists, the Board shall determine the appropriate action to be taken, if any, pursuant to Section 4. However, in no event shall a Board member vote on any question in which they are so interested, whether directly or indirectly, as to impair the independent and impartial exercise of that Board member's judgment.

- m) No Board member or employee, while serving in such capacity and for a period of one year following conclusion of such service, shall solicit or receive political contributions from any individual or organization that provides services to NHHFA.
- n) All Board members and employees shall, upon entering employment with or beginning service for NHHFA, complete the Code of Conduct Certification incorporated as Attachment A of this policy. All Board members and employees shall also review this policy and complete the Code of Conduct Certification prior to July 1 of each year. Professional service providers and advisors approved and/or appointed by the Board (auditors, legal counsel, etc.) shall complete the Code of Conduct Certification prior to providing service to NHHFA.
- o) Pursuant to RSA 21-G, all Board members shall complete the annual Statement of Financial Interests. This form shall be filed with the Secretary of State in January of each year and a copy shall be provided to NHHFA for its official records.
- p) No Board member or employee shall purchase NHHFA bonds or notes. Acquisition of an interest in a bond fund which may include NHHFA bonds, where the Board member or employee does not have direct decision-making authority regarding the assets of the fund, does not constitute purchase of NHHFA bonds.
- q) No Board member or employee with administrative functions or responsibility concerning contract administration under the HUD Annual Contributions Contract (ACC) may, while employed by NHHFA and for a period of one year thereafter, enter into any contract, subcontract, or other arrangement in connection with contract administration under the ACC in which they or any immediate family member (spouse, parent, child, grandparent, grandchild, or sibling) have any direct or indirect interest.
- r) Board members may participate in NHHFA-administered programs consistent with the provisions of RSA 204-C:7. Employees may participate in programs administered by, and/or may purchase property owned by, NHHFA or its agents and sub-contractors for which they are eligible. Participation in programs is defined as receipt of loans, grants or other assistance (including rental assistance) from NHHFA or an agent or contractor of NHHFA through a NHHFA-sponsored or administered program. Board members and employees will be subject to the same program and/or purchase eligibility criteria, processing and compliance rules, and procedures used for other participants.

Prior to submission of an application for participation in a program and/or prior to making an offer to purchase NHHFA-owned property, employees shall submit an Intent to Participate form to the managing director of the division responsible for administration of the program in question. The managing director shall review the employee's Intent to Participate to verify that all potential conflict of interest issues have been considered and that the employee will be required to meet the standards for participation in the program. The Intent to Participate form shall then be submitted to the Executive Director for final approval.

The Executive Director is not eligible to participate in NHHFA-administered programs. Managing directors may not participate in any program for which they have administrative responsibility.

## **2. Fair Housing and Equal Opportunity**

### **2.1 Non-discrimination**

#### **2.1.1 Overview**

Federal laws require NHHFA to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Specifically, federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability. New Hampshire law also requires non-discrimination for age, marital status, and sexual orientation. In addition, the Department of Housing and Urban Development (HUD) regulations provide for additional protections regarding gender identity, sexual orientation or marital status.

NHHFA will comply fully with all federal and state non-discrimination laws and with rules and regulations governing fair housing and equal opportunity in housing including:

- (a) Title VI of the Civil Rights Act of 1964.
- (b) Title VIII of the Civil Rights Act of 1968.
- (c) Section 504 of the Rehabilitation Act of 1973.
- (d) Title II of the Americans with Disabilities Act.
- (e) Violence Against Women Reauthorization Act of 2013 (VAWA).
- (f) NH RSA 354-A: New Hampshire's Law Against Discrimination.
- (g) HUD regulations prohibit discrimination based on gender identity, sexual orientation, and marital status in HUD-funded housing programs.

#### **2.1.2 Non-discrimination**

Information regarding housing discrimination, such as the definition above, is provided to participants in the briefing handbook which is mailed to them when they are issued a voucher. The instructions include how to file a discrimination complaint and the form for filing a complaint is included in the briefing packet. The owners are also given the definition of discrimination, as well as examples of discriminatory practices, in their briefing packets.

A participant who claims that illegal discrimination has prevented them from leasing a unit will be referred to HUD, New Hampshire Legal Assistance or New Hampshire Commission for Human Rights and will be directed to fill out the Discrimination Form in their briefing packet and mail it to HUD. If the person is not a voucher holder from NHHFA, they will be referred to HUD, New Hampshire Commission for Human Rights or New Hampshire Legal Assistance and a Discrimination Form will be sent.

## **2.2 Policies Related to Persons with Disabilities**

### **2.2.1 Approval/Denials of a Requested Accommodation**

A person with a disability may require special accommodation to have equal access to the HCV program. A reasonable accommodation is a change, exception or adjustment to a rule, policy, practice, or procedure that may be necessary for a person with a disability to have an equal opportunity to participate in a program or to use or enjoy housing. There must be an identifiable relationship between the person's disability and the need for the requested accommodation.

If a person requests a reasonable accommodation, whether orally or in writing, it may be necessary to verify that the person is a qualified individual with a disability. The only information that is requested is that which is necessary to verify that the person has a disability and that there is an identifiable relationship between the requested accommodation and the individual's disability.

Persons who meet the definition of disability for purposes of receiving Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) meet the definition that the individual qualifies as a person with a disability. Individuals with disabilities who do not receive SSI or SSDI may still qualify as a person with a disability; however, additional verification may be needed to verify eligibility/disability. The person with a disability does not have to be the person making the request. It can be made by a family member or someone else acting on the person's behalf.

- (a) Obligation starts as soon as staff becomes aware of the reasonable accommodation request.
- (b) All obligations noted in the Department of Justice guidance must be followed.
- (c) Requests from applicants are given directly to the Managing Director, Assisted Housing.
- (d) Requests from individuals in the marketing process are given to the Supervisor, Program Operations
- (e) Requests from participants are given to the Supervisor of Rental Assistance.
- (f) A supervisor's assistance should be sought as needed.
- (g) Requests must be responded to as soon as possible, but within 7 days if there is no verification required, or within 15 days of receiving sufficient verification.
  - (1) The Managing Director must sign off on all denials and will send written notification to the participant within 15 days of the request. The participant will be given 10 days to respond to the denial.

When needed, NHHFA will modify its policies and procedures to accommodate the needs of a person with disabilities if it will not impose an undue financial or administrative burden or will

result in a fundamental alteration in the nature of the program.

Examples of reasonable accommodation include:

- (a) Permitting applications and recertifications to be completed in a different manner
- (b) Using higher payment standards of not more than 120% of FMR if it is determined that it is necessary to enable a person with disabilities to obtain a suitable housing unit
- (c) Providing time extensions for locating a unit
- (d) Permitting an authorized designee or advocate to participate in the application or recertification process or any other meetings with staff
- (e) Approving a live-in aide necessary for the care and well-being of a person with a disability
- (f) Allowing an additional bedroom to accommodate medical equipment or a live-in aide
- (g) Renting from a relative
- (h) Porting a voucher to live near necessary services or a caregiver, whether or not they have met the 12-month requirement for living in the housing authority's jurisdiction when first leasing
- (i) Extending or reinstating a voucher
- (j) Waiving a stated deadline to provide information, make a request or file an appeal of a decision

### **2.2.2 Program Accessibility for Persons with Hearing or Vision impairments**

NHHFA will provide reasonable access to our programs and services to persons with vision or hearing disabilities. There is a TDD/TTY phone available and New Hampshire relay services are used as needed. A state-certified sign language interpreter will be made available at no cost to the person with the hearing impairment. To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request.

NHHFA will make its best effort to provide timely communication assistance. If an alternative form of communication is not requested in advance or the requested assistance is not available when needed, the process may be delayed.

## **2.3 Limited English Proficiency**

It is NHHFA's responsibility to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The policy is to ensure that staff will communicate effectively with LEP individuals, and that LEP individuals will have access to important programs and information. NHHFA is committed to complying with federal requirements in providing free meaningful access to its programs and activities for its



LEP participant. In accordance with those guidelines, NHHFA has a Language Assistance Plan on our website which outlines what steps will be taken to provide access to those with Limited English Proficiency.

The Assisted Housing Division's Four Factor Analysis describes the steps that are taken to ensure meaningful access to its programs, services, and activities for LEP individuals. The Analysis is reviewed and updated annually.

### *3. Family and Household Members*

## **3.1 Family and Household**

### **Definitions**

**Co-head:** An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have the legal capacity to enter into a lease.

**Dependent:** Is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides.

**Disabled family:** A family whose head, co-head, spouse, or sole member is a person with disabilities: two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live in aides.

**Head of household:** The adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse. The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law.

**Elderly Person:** An individual who is at least 62 years of age.

**Elderly family:** Is a family in which the head, spouse, co-head, or sole member is an elderly person.

**Family:** Individuals living with another person or persons, regardless of marital status or actual or perceived sexual orientation or gender identity. The family can consist of a single person, an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such groups include but are not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), a displaced family, or the remaining member of a participant family.

**Foster children and foster adults:** Foster children and adults who live with an assisted family are considered household members but not family members. The income of the foster children/adults is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction.

**Full time student:** A person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

**Live in Aide/Attendant:** Is a person who lives with an elderly, near elderly participant or a participant with a disability and who meets all of the following criteria. A relative may be considered a live-in aide/attendant; however, they must meet the criteria below, especially (c).

- (a) Is determined to be essential to the individual's care and well-being.
- (b) Is not obligated for the individual's support.
- (c) Would not be living in the unit except to provide necessary support services.

**Near elderly:** A family whose head, spouse, or sole member is a person who is at least 50 years of age, but below the age of 62.

**Other adult:** A family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

**Persons with Disabilities:**

A person who:

- (a) Has a disability as defined in 42 U.S.C. 423.
- (b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - (1) Is expected to be of long continued and indefinite duration.
  - (2) Substantially impedes his or her ability to live independently.
  - (3) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- (c) Has a developmental disability as defined in 42 U.S.C. 6001.
- (d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.
- (e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

**Remaining members of a participant family:** Members of an assisted family, including emancipated minors, who remain in the unit when other members of the family are deceased or who have left the unit are remaining members. Household members such as live-in-aides, foster children and foster adults do not qualify as remaining members of the family. If dependents are the only remaining members of the participant family NHHFA will offer housing assistance to a court appointed guardian or other adult named to care for the children. All

eligibility requirements must be met by the person who will be caring for the dependents.

**Sexual orientation:** An individual's physical and/or emotional attraction to the same and/or opposite gender.

**Spouse:** The marriage partner of the head of household. A marriage partner includes the partner in a "common law" marriage as recognized in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

## **3.2 Joint Custody of Dependents**

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, who are not included as family members because they live outside of the assisted household more than 50% of the time, are not subject to the time limitations of guests as explained in section 3.3.

## **3.3 Guests**

A guest is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to give consent.

Program participants are permitted visitors to their dwelling unit with owner's permission for a period not to exceed 14 consecutive calendar days and a total of 30 days per year. Program participants will notify NHHFA if guests are expected to stay in the unit for more than 14 consecutive calendar days. If the guest stays over 30 days, the participant would be in violation of the lease and NHHFA's Administrative Plan. The owner's approval is necessary to add new members to the lease and new household members must be approved by NHHFA. Participants in violation of this policy shall be subject to program termination. A participant may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure which is expected to last longer than allowed under the guest policy). An exception will not be made unless the participant can identify and provide documentation of the residence to which the guest will return and identify the expected date of return to that residence.

## **3.4 Family Break-up**

- (a) If a family break-up occurs and one party is staying in the assisted unit, the person staying in the unit retains the voucher as a "surviving member" unless covered under the VAWA law, in which case the voucher is awarded to the victim of domestic violence as supported by the required documentation. The occurrence of domestic violence, dating violence, sexual assault, or stalking may lead to the break-up of the assisted family in many instances. Family break-up involves terminating the assistance of the perpetrator while continuing the assistance to the victim. NHHFA will abide by any court

determinations of which family members receive the original voucher. Any court determination does not waive the requirement that the assisted family members must continue to meet NHHFA and Housing Choice Voucher program screening requirements and eligibility criteria.

- (b) If the court does not or will not make a determination, both parties are leaving the unit, or due to other circumstances that do not fall under any of these situations, NHHFA has discretion to determine who keeps the subsidy considering the following factors:
  - (1) Domestic violence situations where family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member of the household, to include consideration of the protections of the VAWA law.
  - (2) Evaluating any possible risks to family members because of domestic violence, sexual violence, dating violence, stalking or criminal activity. If there is conflicting information, NHHFA will use its discretion and may grant a voucher to both parties.
  - (3) Head of household on the application or lease.
  - (4) Documentation of an agreement among the original family members.
  - (5) The interests of minor children, including custody arrangements.
  - (6) The interests of elderly or disabled family members.
  - (7) The recommendation of social service professionals.
- (c) In situations of split custody, where each adult member receives custody of a child, the subsidy will remain with the originally assisted unit unless it is a VAWA situation. If no one remains in the originally assisted unit, and both parents were members of the assisted household then NHHFA has discretion to determine who retains the subsidy, considering this policy and the circumstances of the individual case using the factors above.
- (d) In the case of VASH vouchers, if the family breaks up the voucher always remains with the veteran as required in the VASH program rules. However, if there is a family break-up due to domestic violence and the veteran is the perpetrator, the victim must be assisted. In a case where the Veteran's assistance is terminated or moves out, the remaining family members can be assisted under HUD-VASH until they leave the program or receive a regular VASH turnover voucher.
- (e) When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. We will refer to (2) a. through f. when making that determination. Other former family members may complete a new application with a new application date if the waiting list is open. VAWA will be considered when making the determination of who retains the position on the waiting list.

### **3.5 Absent Family Members**

Individuals may be absent from the family, either temporarily or permanently, for a variety of

reasons including educational activities, placement in foster care, employment, serving in the armed forces, illness, incarceration, and court order.

Program participants' absence from a leased unit may not exceed a maximum of 90 consecutive days and the absence should not exceed a total of 90 days per year. Notice should be sent in writing to NHHFA prior to the absence if the participant anticipates being absent for a period of 30 days or more. Absence due to hospitalization, commitment to a short-term drug or alcohol treatment program, verifiable medical or other family emergencies, or other reason to be determined by NHHFA shall have an exception not to exceed a maximum of 180 consecutive days. Imprisonment is not a valid reason for an absence of more than 90 days.

### **3.5.1 Absence from the unit, participant responsibilities**

To obtain NHHFA approval, the participant must:

- (a) Satisfy notice requirements, unless qualified under the VAWA law and if so, the requirement to notify prior to absence does not apply.
- (b) Provide documentation acceptable to NHHFA regarding the length of absence and the reason for the absence.
- (c) Affirm their intent to return to the unit at the end of the leave period.
- (d) Agree to be responsible for receiving and responding to all notices sent by NHHFA to the unit during periods of absence.
- (e) Pay rent to the owner and pay for utilities while they are absent.
- (f) Make arrangements for the unit to be available for NHHFA inspections as necessary.

If the above procedure is not followed, the unit will be considered abandoned and NHHFA will terminate housing assistance payments and terminate the family's participation in the program.

### **3.5.2 Income of a temporarily absent family member**

- (a) Income from temporarily (less than 90 days) absent family members will be counted.
- (b) If the absent family member is permanently confined to a hospital or nursing facility, income or income from assets will not be counted.
- (c) Income where the participant is a representative payee (rep payee) for a permanently absent family member is not counted.
- (d) An employed head or spouse, or co-head absent from the unit for more than 180 days due to employment will continue to be considered a family member. This can include military deployment.

### **3.5.3 Absent Students**

If a family member attends school away from home, the person will continue to be considered a family member unless they have established a separate household. Dorms or student housing is not considered a separate household.

### **3.5.4 Absence due to placement in Foster Care**

A child temporarily absent because of placement in foster care is considered in determining family size. NHHFA will verify with the appropriate agency if the family is seeking reunification and verify a date of return. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member for purposes of subsidy standards.

### **3.5.5 Return of Permanently absent family members**

The family must request approval to add any adult family member that was previously removed from the household. The individual will be subject to eligibility and screening requirements before being added to the household.

## 4. Eligibility Criteria

### 4.1 Income Eligibility and Targeting

**Annual Income:** Defined in 24 CFR 982.4, which references Part 5.609.

**Continuously Assisted:** 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.

**Extremely Low Income:** A family whose annual income does not exceed 30% of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

**Low-Income Family:** A family whose annual income does not exceed 80 percent of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

**Very Low-Income Family:** A family whose annual income does not exceed 50 percent of the median income for the area (as determined by HUD) with adjustments for smaller and larger families.

### 4.2 Citizenship or Eligible Immigration Status

Eligibility for Federal housing assistance is limited to U.S. citizens and noncitizens who have eligible immigration status. Each eligible household member (or the parent or guardian for household members under the age of 18) must sign a declaration of their status. Family members who do not sign a declaration of their status or provide the required documentation will be considered ineligible non-citizens.

Families in which all members are citizens or have eligible immigration status are eligible for full housing assistance.

A non-citizen applicant family without eligible immigration status is NOT eligible for assistance.

Noncitizen students, even those with eligible immigration status for HUD's financial assistance, are not eligible to receive housing assistance.

Families that include members who are citizens or have eligible immigration status and members who do not have eligible immigration status (or who elect not to state) are referred to as "mixed families". Mixed families are eligible for prorated assistance. If there is at least one person who has submitted appropriate documents NHHFA cannot delay, deny or terminate.

#### Declaration of US Citizenship



For household members over 18 years of age claiming US Citizenship only, a declaration signed by the household member is required by the regulation.

In the case of a minor child, the parent or adult residing in the assisted unit who is responsible for the child must sign the declaration of US Citizenship.

### **Eligible Non-Citizen**

The non-citizen household members claiming eligible immigration status must provide all the following documentation/evidence:

- (a) A signed declaration of eligible immigration status (or in the case of a minor child, the parent or adult residing in the assisted unit who is responsible for the child).
- (b) A signed verification consent form.
- (c) One of the CIS documents evidencing immigration status.

The verification of eligible immigration requests will be submitted through the CIS (U.S. Citizens and Immigration Service) automated system, SAVE (Systematic Alien Verification for Entitlements) system by the staff assigned this responsibility.

## **4.3 Restrictions on Student Eligibility**

**Full time student:** A person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

**Part-time student:** A person who is attending school or vocational training on a part time basis.

Students at institutions of higher education who will not reside with their parents must meet additional eligibility criteria. These rules apply regardless of whether the student is considered a full-time or a part-time student. Assistance shall only be provided to students who are otherwise eligible for the program and meet at least one of the following criteria.

- (a) The student:
  - (1) Is 24 years of age or older
  - (2) Is a veteran
  - (3) Is married
  - (4) Has a dependent child
  - (5) Is a graduate or professional student
  - (6) Is individually income eligible and the student's parents are individually or jointly eligible; or
  - (7) Is an independent student, defined as:
    - a. The individual is 24 years of age or older by December 31 of the award year.

- b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older.
  - c. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of residence.
- (b) Or, is classified as a Vulnerable Youth. A student meets HUD's definition of Vulnerable Youth when the individual has been verified during the school year in which the application is submitted as either an "unaccompanied youth" who also falls within the definition of "homeless children and youths" (as such terms are defined in Section 725 of the McKinney-Vento Homeless Assistance Act), or as unaccompanied youth (as defined in Section 725 of the McKinney-Vento Homeless Assistance Act), who are at risk of homelessness and self-supporting, by:
  - (1) A local educational agency homeless liaison designated pursuant to the McKinney-Vento Homeless Assistance Act.
  - (2) The director of a program funded under the Runaway and Homeless Youth Act or designee of the director.
  - (3) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director or
  - (4) A financial aid administrator.
- (c) Or the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. For purposes of the student eligibility restrictions, the term "parents" means the biological or adoptive parents, or guardians (e.g., stepparents, grandparents, aunt/uncle, godparents, etc.
- (d) This rule does not apply to students who live with their parents in a Section 8 assisted unit or live with their parents who are applying to receive Section 8 assistance. The rule applies only to students seeking or receiving Section 8 rental assistance separately from their parents.
- (e) Any financial assistance in excess of the amounts received for tuition that an individual receives under the Higher Education Act of 1965 from private sources or from an institution of higher education shall be counted as income unless the person is over the age of 23 with dependent children. Financial assistance does not include loans. Parental contributions must be included in this calculation. If the student's financial assistance in excess of tuition exceeds the applicable income limit, the student is ineligible to receive assistance. The student must meet the low-income limit of the area in which he/she resides.
- (f) If a student's income meets the income eligibility requirement, a determination of the parental income eligibility for those students that are under the age of 24, unmarried, non-veteran, and have no dependent children will be obtained. If a student's parents live

together, a joint certification of income will be obtained. If the parent is widowed or single, the certification will be obtained from that parent. If the parents are divorced, the certification will be obtained from the parent that the student has lived with for the last 12 months. If the student lived with each parent for six months, a certification will be submitted by the parent that provided the most assistance during the last 12 months.

- (g) A person who is under the age of 24 and meets the student eligibility criteria may be income eligible for assistance in circumstances where an examination of the parents may not be relevant or where the student can demonstrate the absence of parents or independence from parents. HUD has established criteria to exempt participants from the parental income test. The criteria include, but are not limited to, the following:

- (1) The student must be of legal contract age per state law.
- (2) The student must have established a separate household for at least one year prior to applying or must meet the Department of Education's definition of an independent student.
- (3) The student must not be claimed as a tax dependent.

In addition to the above criteria, the student must obtain parental certification of the amount of support that will be provided even if the amount is zero.

The Department of Education considers a person to be an independent student if he or she meets one or more of the following criteria:

- (1) He/she is at least 24 years old.
- (2) He/she is an orphan or ward of the court through age 18.
- (3) He/she is a veteran.
- (4) He/she has a legal dependent other than spouse.
- (5) He/she is a graduate or professional student.

- (a) Verification of the student's independence must be obtained to establish that the person is qualified for the exemption. Verification policies will include verification of previous addresses to determine whether a student established a separate household for at least one year prior to application or verification; the student meets the Department of Education's definition of independent student; a review of the parents' prior year tax returns; and written certification of income provided by parents including certification of no support or financial assistance from persons not living in the unit. NHHFA will accept from a parent a declaration and certification of income which includes a penalty of perjury. NHHFA retains the right to request and review supporting documentation at any time that we determine that the declaration, certification, and eligibility of the parent is in question. Supporting documentation may include but is not limited to Internal Revenue Service tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, Temporary Assistance to Needy Families (TANF) award letter,

Social Security Administration (SSA) award letter and other official and authentic documents from a federal, state, or local agency.

- (b) A student currently receiving Section 8 assistance may be affected by this law. NHHFA will verify eligibility at each student's regularly scheduled annual recertification.
- (c) Termination of assistance only applies to students under the age of 24 who are unmarried, non-veterans, have no dependent children, and do not reside with their parents except those students considered independent. A student may also be determined ineligible at re-examination if he or she does not live with parents or his/her income including student financial aid exceeds the applicable limit. Students who are under 24 may also be determined ineligible if the income of their parent exceeds the applicable limit.
- (d) Any member of a household comprised of both eligible and ineligible students who is determined ineligible to receive Section 8 assistance will be terminated and ineligible to receive continued assistance under the voucher program. However, assistance for eligible students in the household shall not be terminated. The remaining eligible students will be given a voucher to move with continued assistance or permitted to lease in place if the ineligible student moves out of the unit.

#### **4.4 Live in aide**

Required documentation for approval of a live-in aide/attendant is as follows:

- (a) A form from a physician or health care professional for the household member requesting the live-in aide/attendant verifying the need of the service.
- (b) A form from the live-in aide/attendant verifying they meet the stated criteria as a live-in aide/attendant.
- (c) Completion of the Live-In Aide Declaration Form.
- (d) The live-in aide qualifies for occupancy in the unit only if the individual needing supportive services also lives in the unit. The live-in aide does not qualify for continued occupancy as a remaining family member. The program participant and the live-in aide must sign an addendum to the lease outlining the live-in aide restrictions.
- (e) In addition, the owner and NHHFA must approve the live-in aide. NHHFA requires that the live-in aide complete the Live-in Aide Personal Declaration form. NHHFA will consider the information provided in determining eligibility for the status of live-in aide. If further information is needed, it will be requested from the individual. NHHFA will screen for state sex-offender registration requirements and criminal check when approving live-in aides. The same standards used to approve applicants will be applied.
- (f) At any time, NHHFA may refuse to approve a specific person as a live-in aide, or may withdraw such approval, if:
  - (1) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

- (2) The person commits drug-related criminal activity or violent criminal activity; or the person currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- (g) The live-in aide's family members may also reside in the unit provided doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in aide's family members does not overcrowd the unit.

## 5. Denial and Termination of Assistance

### 5.1 Definitions

**Abusive or violent behavior against NHHFA personnel:** Abusive behavior or threatened abuse towards NHHFA personnel includes verbal abuse or verbal harassment, whether communicated orally, in electronic format or in print format. It includes, but is not limited to the use of profanity, racial slurs, or gender-based labels, or other language that is customarily used to intimidate. It includes behavior that consists of physical abuse or physical violence. Threatening refers to oral or written threats, physical gestures or physical contact that communicates intent to abuse or commit violence against NHHFA personnel.

**Drug related criminal activity:** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug (as defined in section 102 of the Controlled Substance Act 21 U.S.C. 802).

**Other criminal activity:** Other criminal activity is any criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

**Serious or repeated violation of the lease:** This is defined in Section 5.2 (d) (1) through (3) citing specific benchmarks for damages and rent owed as well as violations of the tenancy addendum or lease.

**Violent criminal activity:** Violent Criminal Activity is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage including but not limited to murder, manslaughter, assault, rape, robbery, burglary, arson and kidnapping. Simple assault by itself is not included as a violent criminal act under this section.

### 5.2 Family Obligations: Denial and Termination of Assistance

A program participant who fails to comply with the requirements outlined below will be found ineligible for program participation. The computer designation for that infraction is IFC or Ineligible for Failure to Comply. NHHFA will not approve the issuance of a voucher for anyone with the IFC designation for 12 months following the determination of ineligibility. If the waiting list length is less than 12 months, the applicant would not be eligible to receive subsidy until the 12 months had elapsed.

**Ineligible: Failure to Comply**

24 CFR 982.551(b)(1)	Family fails to supply any information that the PHA or HUD determines necessary in the administration of the program, including submission of citizenship or eligible immigration status.
982.551(b)(2)	Family fails to supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim examination of family income and composition.
982.551(b)(3)	Family failed to disclose and verify social security numbers.
982.551(b)(4)	Family did not supply true and complete information.
982.551(c)	Family caused HQS breach as described in 982.404 (b).
982.551(d)	Family did not allow PHA to inspect the unit at reasonable times and after reasonable notice.
982.551(e)	Family committed serious or repeated violations of the lease (unless they qualify for protections under the VAWA law).
982.551(f)	Family did not notify the PHA and the owner before they moved out of the unit or terminated the lease upon notice to the owner (unless they qualify for protections under the VAWA law).
982.551(h)(1)	Family did not use the assisted unit as residence and as their only residence.
982.551(h)(2)	Family did not obtain PHA approval for the composition of the assisted family residing in the unit. Family failed to inform the PHA of the birth, adoption or court-awarded custody of a child. Family failed to request PHA approval to add any other family member as an occupant of the unit. Family did not comply with the requirement that no other person may reside in the unit except as allowed in paragraph (h)(4).
982.551(h)(3)	Family failed to notify PHA promptly if any family member no longer resided in the unit.
982.551(h)(6)	Family subleased or let the unit.
982.551(h)(7)	Family assigned the lease or transferred the unit.
982.551(i)	Family did not supply information or certification requested by the PHA to verify that the family is living in the unit or relating to family absence from the unit. Family failed to promptly notify the PHA of absence from the unit.
982.551(l)	Members of the household engaged in drug-related criminal activity or violent criminal activity or other criminal activity which threatened the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
982.551(m) 982.552 (c) (xi)	Members of the household abused alcohol in a way that threatened the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
982.552(b)(2)	Family was evicted from housing assisted under the program for serious violation of the lease (unless they qualify for protections under the VAWA law).

982.552(c)(viii)	Family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
24 CFR 982.552(b)(3)	Any member of the family failed to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F. (Social Security and Income/Assets).
982.552(b)(4)	Family did not submit required evidence of citizenship or eligible immigration status.
982.552(c)(iii)	Any member of the family had their voucher assistance terminated by a PHA. (The grounds for termination will be reviewed using NHHFA's Admin Plan to determine final eligibility).
982.552(c)(xi)	Family engaged in criminal activity or alcohol abuse as described in 982.553.

(b) A program participant who fails to comply with the requirements outlined below will be found ineligible for program participation. The computer designation for that infraction is IDB or Ineligible/Debarred. NHHFA will not issue a voucher for anyone with the IDB designation at any time in the future unless the default has been corrected. If the individual applies in the future, the circumstances surrounding their determination of ineligibility will be reviewed and we will assess if they have cured the default. If NHHFA determines they are still ineligible, the applicant can request an informal review in accordance with Section 17.1.

#### **Ineligible: Debarred**

24 CFR 982.551(j)	Family owned or had interest in the unit.
982.551(k)	Family committed fraud, bribery or other corrupt or criminal acts in connection with the program.
982.551(n)	An assisted family received Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit under a duplicative federal, state or local housing assistance program.
982.552(c)(iv)	Any member of the family committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
982.552(c)(v)	Family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
982.552(c)(vi)	Family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
982.552(c)(vii)	Family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
982.552(c)(ix)	Family has engaged in or threatened abusive or violent behavior toward



	PHA personnel.
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(c) Other reasons for denial of admission:

24 CFR 982.553(a)(1)(i)	The PHA must prohibit admission for three years from the date of eviction from federally assisted housing for drug-related criminal activity. The applicant will be denied unless they have successfully completed a supervised drug rehabilitation program approved by the PHA; or if the circumstances leading to eviction no longer exist because the criminal household member has died or is imprisoned.
982.553(a)(ii)(A)	The PHA must establish standards for denial if any household member is currently engaged in illegal use of a drug or if the PHA determines that it has reasonable cause to believe that a household member's illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, or if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
982.553(a)(2)	The PHA must establish standards to prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.
982.553(a)(1)(ii)	The PHA may prohibit admission of a household to the program if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission; drug-related criminal activity, violent criminal activity, other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
982.553 (a) (2) (ii) (4)	The PHA may prohibit admission if the participant is currently engaging in or has engaged in other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor of agent).
982.553 (a) (2) (ii) (C)(1)(2)	If the PHA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during the time frames set out in the Admin Plan before the admission decision, the PHA may reconsider the applicant if they had previously denied admission because a member of the household engaged in criminal activity. The time frames are listed for specific criminal activities in this document. See 982.553 (4)(C)(1) for information on sufficient evidence.
982.553 (a) (2) ii (C) (3)	The PHA must establish standards that prohibit admission to the program if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

(d) Consideration of circumstances as described at 24 CFR 982.552(c)(2)(i)-(iv): In determining whether to deny or terminate assistance because of action or failure to act

by members of the family:

- (1) NHHFA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.
  - (2) NHHFA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. NHHFA may permit the other members of a participant family to continue receiving assistance.
  - (3) In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, NHHFA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, NHHFA may require the applicant or participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
  - (4) If the family includes a person with disabilities, the decision by NHHFA concerning such action is subject to consideration of reasonable accommodation in accordance with Part 8 of the regulations.
  - (5) PIH Notice 2015-19 states that NHHFA may consider all the circumstances relevant to a particular admission, such as:
    - a. The seriousness of the offending action, especially with respect to how it would affect other residents.
    - b. The effect on the community of denial or termination or the failure of NHHFA to take action.
    - c. The extent of participation or culpability of the head of household or other household members in the offending action, including whether the culpable member is a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking.
    - d. The effect of denial of admission or termination of assistance on household members not involved in the action or failure to act.
    - e. The demand for housing by eligible families who will adhere to program responsibilities.
    - f. The extent to which the head of household has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action.
    - g. The effect of NHHFA's action on the integrity of the program; and
    - h. The length of time since the violation occurred, the family's recent history, and the likelihood of favorable conduct in the future.
- (e) In accordance with Part 5.903(f), if NHHFA obtains criminal record information from a State or local agency showing that a household member has been convicted of a crime

relevant to applicant screening, NHHFA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the applicant or participant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information. This opportunity must be provided before a denial of admission on the basis of such information.

- (f) If NHHFA previously denied admission to an applicant because a member of the household engaged in criminal activity, NHHFA may reconsider the applicant if there is sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during a reasonable period, as determined by NHHFA, before the admission decision. A reasonable period will be defined in the definitions of the various crimes listed in the Administrative Plan.
- (g) NHHFA will deny admission or terminate assistance to a family who committed a serious or repeated violation of the lease 982.551 (e) or was evicted from housing assisted under the program for a serious violation of the lease 982.552 (b) (2). VAWA protections will be considered when evaluating whether a participant has committed serious or repeated violations of the lease. A serious or repeated violation of the lease is defined as any of the following:
  - (1) As evidenced by the owner's report of disposition of security deposit in accordance with New Hampshire State law, a participant who causes total damage, after applying the security deposit, in excess of \$1,500 to the unit during their tenancy and does not make arrangements with the owner for payment or who later breaches any such payment arrangement. If there is disagreement regarding disposition of security deposit, the owner and participant would be advised to pursue their claims by filing an action in court.
  - (2) As evidenced by the owner's report of disposition of security deposit in accordance with New Hampshire State law, a participant who owes three or more months of their portion of the rent to the owner and does not make payment arrangements with the owner (arrangements can include applying the security deposit) or who later breaches any such payment arrangement.
  - (3) A court determines that the participant has committed serious violations of the lease as stated in the court documents. VAWA protections will be considered when evaluating any of these examples. Examples of situations that allow an owner to evict and are considered serious violations of the lease are:
    - a. Disturbance of neighbors.
    - b. Destruction of property which exceeds the limits stated above.
    - c. Living or housekeeping habits that cause damage to the unit or premises.
    - d. Criminal activity or alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises.
    - e. Violent criminal activity on or near the premises.
    - f. Any drug-related criminal activity on or near the premises.

- g. Violation of federal, state, or local law that imposes obligations on the participant in connection with the occupancy or use of the unit and the premises.
  - h. Non-payment of rent or other amounts owed to the owner.
  - i. Reasons cited in NH State law in relation to bed bugs.
- (h) NHHFA will deny admission or terminate assistance for all conditions outlined under 24 CFR 982.552 except 982.552 (c) (1) (ii). 24 CFR 982.552 (c) (1) (ii) (if any member of the family has been evicted from federally assisted housing if that eviction happened within five years) will not be used to terminate someone's housing assistance unless the reason behind the eviction is a reason for termination under another section.
- (i) NHHFA will, at its discretion, allow monthly payback agreements for amounts owed to NHHFA and other PHA's. The minimum monthly payment amount should be in accordance with the repayment schedule described in Section 16, and one payment must have been received by NHHFA prior to an application being approved.

### **5.3 Federal Mandatory Prohibitions**

- (a) NHHFA will deny admission or terminate from the program if any household member was ever convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- (b) NHHFA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. NHHFA will use the sex offender registration available on the Internet to screen for this mandatory prohibition. Additional screening is conducted at each household's recertification using the National Sex Offender database ([www.nsopw.gov](http://www.nsopw.gov)). For any household admitted after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the participant or a member of the participant's household is subject to a lifetime sex offender registration requirement, or that the participant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, NHHFA will terminate assistance.

#### **5.3.1 Permissive Prohibitions: NHHFA**

- (a) NHHFA may deny admission or terminate assistance to anyone if it is determined, based on information provided in a criminal record report, court record or other credible information, that a household member has been convicted of any of the following violent criminal acts occurring within 15 years of the request for admission or continued assistance. NHHFA will use the arrest date when determining eligibility for any of the following offenses:
- (1) Homicide, including, but not limited to Capital murder, first degree murder, second degree murder, or Manslaughter as defined in NH RSA 630.

- (2) Offenders who commit sexual offenses against children, where the victim is under the age of 18, including, but not limited to aggravated sexual assault, felonious sexual assault or sexual assault as defined in NH RSA 651-B:1, VII.

## **5.4 Drug Related Criminal Activity**

### **5.4.1 Use or Possession of a Controlled Substance**

Applicants may be denied assistance for the use or possession of a controlled substance, if such use or possession, as evidenced by conviction, occurred within one year from the date that NHHFA provides notice to deny participation. NHHFA will use the arrest date when determining eligibility but will only deny assistance based on a conviction. This prohibition includes the use of medical marijuana which is permitted in some states but is prohibited by Federal law. HUD has determined that users of medical marijuana shall not be admitted to the program, irrespective of state law allowing its use.

Participant's assistance may be terminated for the use or possession of a controlled substance, if such use or possession, as evidenced by conviction occurred within one year from the date that NHHFA provides notice to terminate assistance or if a pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment to the premises by other residents. This prohibition includes the use of medical marijuana. NHHFA will use arrest date for determining eligibility but will only terminate assistance based on a conviction.

When determining whether to deny admission or terminate assistance for illegal use of drugs by a household member who is no longer engaged in such behavior, NHHFA will consider whether the household member is participating in or has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully. For this purpose, NHHFA may require the applicant or participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug rehabilitation program or evidence of otherwise having been rehabilitated successfully.

### **5.4.2 Manufacture or Sale of a Controlled Substance**

- (a) An applicant or participant may be denied or terminated if the drug related criminal activity included the intent to manufacture, sell or distribute a controlled substance within the past five years of the notice to deny or terminate. NHHFA will use the arrest date to determine eligibility but will only deny or terminate assistance based on a conviction.
- (b) For applicants, NHHFA may, at its sole discretion, waive the prohibition on participation by a person who has been convicted of a drug related criminal act which included the intent to manufacture, sell or distribute a controlled substance, if there has not been any drug related criminal activity which included the intent to manufacture, sell or distribute a controlled substance in the three years prior to application for assistance and either of the following two conditions are met:

- (1) The applicant can demonstrate by a preponderance of the evidence that the drug related criminal act was an isolated incident and there is no pattern of drug related behavior; or
- (2) The applicant is under parole or probation supervision and the relevant parole or probation authority requests that the applicant be provided assistance as a part of that rehabilitation/supervision program.
- (3) NHHFA will review whether the household's record of drug related criminal behavior poses a direct threat to other participants and in considering requests for reasonable accommodation, will consider whether there is a link between the disability and the criminal behavior. If NHHFA determines that there is a link between the disability and the criminal behavior, it will look at whether or not the behavior is now under control, by medication or some other method.

## **5.5 Violent Criminal Activity**

### **5.5.1 Violence Against Women Act (VAWA)**

In accordance with Violence Against Women Act (VAWA), if there is domestic violence, dating violence, sexual assault or stalking incident which is against the applicant, participant or immediate family member, program assistance will not be terminated based solely upon that fact. The HUD certification or documents that may be provided in lieu of the certification as specified on the HUD certification will be used to complete the assessment by NHHFA.

### **5.5.2 Evidence used for Denial or Termination of Violent or Serious Criminal Acts**

An applicant or participant may be denied or terminated if NHHFA determines, based on the information provided in a criminal record report, police report or other credible information that the household member has been convicted of assault (other than simple assault as stated in 5.1.) rape, robbery, burglary, arson or kidnapping within a five-year period prior to the notice to deny or terminate. NHHFA will use the arrest date when determining eligibility but will only deny or terminate assistance based on a conviction and will not deny admission or terminate assistance on the basis of or as a direct result of the fact that they have been a victim as noted in the VAWA law.

- (a) For applicants or participants, NHHFA may, at its sole discretion, waive the prohibition on participation by a person who has been convicted of a violent criminal act if there has not been any violent criminal activity in the three years prior to application for assistance and either of the following two conditions is met:
  - (1) The applicant can demonstrate by a preponderance of the evidence that the violent criminal act was an isolated incident and there is no pattern of violent behavior; or
  - (2) The applicant is under parole or probation supervision and the relevant parole or probation authority requests that the applicant be provided assistance as a part of that rehabilitation/supervision program.

### **5.5.3 Evidence used for Denial or Termination of Permissive Prohibitions**

An applicant may be denied if NHHFA determines, based on the information provided in a criminal record report, court record or other credible information that the household member has been convicted of any of the violent criminal acts listed in Section 5.3.2 Permissive Prohibitions which include homicide, sexual offenses resulting in required lifetime sex offender registration or sexual offenses against children if the violent criminal act occurred in the last 15 years. If a participant is convicted of any of the violent criminal acts listed in the permissive prohibitions on or after April 1, 2011, NHHFA will terminate their assistance.

### **5.5.4 Reasonable Accommodation**

NHHFA will review whether the applicant's record of violent behavior poses a direct threat to other participants and in considering requests for reasonable accommodation will consider whether there is a link between the disability and the violence. If NHHFA determines that there is a link between the disability and the violence, it will look at whether or not the behavior is now under control, by medication or some other method.

## **5.6 Alcohol Abuse**

An applicant or participant will be denied or terminated if NHHFA has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. NHHFA will consider the abuse of alcohol to be a pattern if there are four or more incidents within 12 months involving law enforcement response to calls for alcohol related disturbances. NHHFA will consider mitigating circumstances when making decision on this policy. When determining whether to deny admission or terminate assistance for alcohol abuse by a household member who is no longer engaged in such behavior, NHHFA will consider whether the household member is participating in or has successfully completed a supervised alcohol rehabilitation program or has otherwise been rehabilitated successfully. For this purpose, NHHFA may require the applicant or participant to submit evidence of the household member's current participation in, or successful completion of, a supervised alcohol abuse rehabilitation program or evidence of otherwise having been rehabilitated successfully.

NHHFA will review whether the applicant or participant's record of alcohol abuse poses a direct threat to other participants and in considering requests for reasonable accommodation will consider whether there is a link between the disability and the alcohol abuse. If NHHFA determines that there is a link between the disability and the alcohol abuse, it will look at whether or not the behavior is now under control.

## **5.7 Sex Offenders**

A household will be denied admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. NHHFA will use the

sex offender registration available on the Internet to screen for this mandatory prohibition.

Additional screening is conducted at each household's recertification using the National Sex Offender database. For any household admitted after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the participant or a member of the household is subject to a lifetime sex offender registrations requirement, or that the participant falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, NHHFA will pursue termination of assistance.

## **5.8 Criminal Records Reports**

Criminal reports will be obtained for individuals 18 and over for individuals in the following groups:

- (a) All applicant families as part of the eligibility verification at the time of selection from the waiting list.
- (b) New program participants being added to a household already assisted in the program.
- (c) Individuals porting in from another housing authority if the initial housing authority does not provide certification that a criminal record report has been obtained and approved for the family. The approval of a unit will not be delayed for the check to be completed; however, the Rental Assistance Manager must inform the owner in writing of the consequences of an unacceptable criminal report prior to entering into a HAP contract.
- (d) The information in the report will be compared to the requirements listed in the Administrative Plan for criminal activity, violent criminal activity and drug related criminal activity. Additional evidence as provided by the police and court system will be obtained, as necessary.
- (e) A family member's refusal to give signed consent for the criminal record check is cause for denial or termination of assistance. If the head of household refuses to sign the consent form, the entire family will be denied assistance or terminated from the program. If a member other than the head of household refuses, the remainder of the family may be assisted provided that the head agrees that such member will not reside in the assisted household.
- (f) A criminal record report may be requested at any time if the Rental Assistance Manager becomes aware of a possible criminal offense necessitating confirmation through a criminal check.
- (g) Unless the criminal record report is used to deny or terminate assistance it must be destroyed by the Rental Assistance Manager. If the report is used to deny or terminate, the report must be kept under lock with limited access to staff responsible for eligibility verification. At the end of the appeal process, the report must be destroyed. If no appeal is filed, the report is to be destroyed when the appeal period lapses. If the family



appeals after that time, a new report will have to be obtained.

- (h) If termination is proposed based on the criminal record report, NHHFA must notify the applicant or participant of the proposed action and must provide a copy of the record to them to give the family an opportunity to dispute the accuracy and relevance of that record.

## **5.9 Access to Criminal Records and Information**

In accordance with 24 CFR Part 5.903, owners of assisted housing may request that the PHA in the jurisdiction of the property obtain criminal conviction records of an adult household member from a law enforcement agency. HUD permits the PHA to charge the owner reasonable fees for making the request on behalf of the owner and taking other actions for the owner. NHHFA's required processing fee is \$275.00, which includes reimbursement of any fees charged by the law enforcement agency and related staff and administrative costs.

## ***6. Application, Waiting List and Participant Selection***

### **6.1 Applying for Assistance**

Anyone who wants to receive voucher assistance must complete a Housing Choice Voucher (HCV) application. Applications may be obtained by telephone, e-mail, in person or by mail. In addition, the application can be printed from our website and mailed to NHHFA. Applications may be returned by mail, fax or submitted in person during normal business hours. Applications must be complete to be processed. If an application is incomplete, NHHFA will notify the applicant of the additional information required.

#### **6.1.1 Accessibility of the Application Process**

NHHFA will provide reasonable accommodation in the application process to the needs of individuals with disabilities. The application process is fully accessible and alternate approaches are provided as needed. In addition, NHHFA provides interpretation services free of charge as needed by individuals with Limited English Proficiency and access to state-certified sign language interpreters.

#### **6.1.2 Placement on the waiting list**

It is NHHFA's policy to deny placement on the waiting list if there is a person subject to the lifetime sex offender registration requirement in the household. If the screening process reveals that an applicant's household includes an individual subject to the state lifetime registered sex offender registration, NHHFA will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual, the family cannot be placed on the waiting list, and they are denied admission to the program.

##### **6.1.2.1 Ineligible for placement on the waiting list**

When a family is determined ineligible to be placed on the waiting list, NHHFA will send written notification. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review and explain the process for doing so.

##### **6.1.2.2 Eligible for placement on the waiting list**

NHHFA will send written acknowledgement of the receipt of applications. Placement on the waiting list does not indicate that the family is eligible for assistance. Final determination of eligibility will be made when the family is selected from the waiting list. Applicants will be placed on the waiting list according to any preference they identify as well as the date of the application. Multiple applications received on the same date will be sorted by social security number.

### **6.2 Managing the waiting list**

Third party verifications of income and expenses are not performed at the time of application receipt. If there are not sufficient funds to assist all applicants, the applicants will be placed on a waiting list by date and preference. Applicants who are not New Hampshire residents when they apply are notified in the acknowledgment letter that they will be required to lease a unit in NHHFA's jurisdiction for the first 12 months of assistance unless they qualify for protection for victims of domestic violence, dating violence, sexual assault or stalking.

### **6.2.1 Opening and closing the waiting list**

NHHFA may, at its discretion, suspend the acceptance and processing of new applications should the list appear to require a wait of three or more years. A Legal Notice will be published informing prospective applicants of the waiting list closure. Prospective applicants submitting applications who are otherwise eligible will be notified in writing of the waiting list closure.

### **6.2.2 Reporting changes while on waiting list**

While the applicant is on the waiting list, the applicant must inform NHHFA of changes in their mailing address. The change may be submitted in writing or given over the phone.

### **6.2.3 Updating the Waiting list**

NHHFA will send out an update letter to determine if applicants wish to stay on the waiting list. The applicant is given a stated deadline to respond.

#### **6.2.3.1 Removal from the waiting list**

- (a) If an applicant cannot be contacted via written correspondence, their name is removed from the waiting list.
- (b) All applicants are advised of the requirement to notify NHHFA of any changes of address at the time of application. A waiting list update is completed annually to ensure an accurate applicant pool. The update letter is mailed to the address supplied by the applicant and the applicant must respond before a stated deadline. If the applicant fails to respond within the stated deadline, the applicant will be removed from the waiting list. If the letter is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. The returned paperwork is scanned into the system or a note is added in the computer showing why the person was removed from the waiting list. If the letter is returned by the post office with a forwarding address, the notice will be re-mailed to the address given.
- (c) If an applicant responds within 60 days following the deadline stated in the waiting list update letter, the applicant will be placed back on the waiting list as of the original application date. Otherwise, the applicant will need to reapply for assistance. Consideration will be given for individuals that are either VAWA protected or who have Limited English Proficiency (LEP).
- (d) If an applicant's failure to respond to NHHFA's requests for information or updates was

caused by the applicant's disability, NHHFA will provide reasonable accommodation based on the information supplied by the applicant. A person with disabilities is not restricted to the stated deadline. The applicant will be placed back on the waiting list as of their original application date if their failure to respond was caused by their disability. Any requests for reasonable accommodation should be directed to the Supervisor, Program Operations

- (e) When a family on the waiting list breaks up into two otherwise eligible families, only one of the families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open. If there are any exceptions to be considered, NHHFA will use the family break up policy in Section 3.4 to determine which person retains their place on the waiting list and which family must reapply.
- (f) In addition, if the person requesting to receive the waiting list placement did not sign the application, that person is not eligible to receive the original application date unless they can prove they have been a member of the applicant household for more than 12 months. Proof can be in the form of a marriage certificate or a lease in their name and with their signature which is dated for 12 months before the request date.
- (g) The program rules do not allow a Mod Rehab participant to move during the first year of their lease. Should the participant's name reach the top of the waiting list during this time frame, NHHFA will allow them to retain their place on the waiting list as of the original application date if their application date is passed when pulling from the waiting list. After the completion of their initial 12 months, the participant will be contacted the next time names are pulled from the waiting list.

## **6.3 Pulling from the waiting list**

### **6.3.1 Selection Method**

Preferences will be weighted in the following order:

- (a) Special purpose vouchers [Non-Elderly Disabled families (NED), HUD-Veterans Affairs Supportive Housing (VASH), or FUP] if the total number of special purpose vouchers which make up the voucher allocation have not been filled due to a funding shortfall.
- (b) Project-Based Voucher holders who are victims of domestic violence, dating violence, sexual assault or stalking who are eligible for protections under VAWA.
- (c) Project-Based Voucher holders.
- (d) Veterans Affairs Supportive Housing (VASH) turnover vouchers.
- (e) Youth Family Unification Program (FUP) turnover vouchers.
- (f) Foster Youth to Independence (FYI) turnover vouchers.
- (g) Clients of NHHFA residing in a Mod Rehab building if fire, flood, or other natural disaster

renders the property uninhabitable for more than 60 days.

- (h) NHHFA will make available up to 50 vouchers for households impacted by major federally declared disasters designated by the Board of Directors who are Section 8 voucher holders or public housing residents in another jurisdiction. Once this need is met, households who are non-participants will be eligible for this preference.
- (i) Participants whose rental assistance was terminated due to insufficient funds.
- (j) The following will have equal weight: Terminally ill; CFI (Choices for Independence) preference; DHHS Transitional Preference; and Transitional Housing;
- (k) The following will have equal weight: Veterans as defined in 6.3.2 (g) Rent Burdened/At Risk of Becoming Homeless and Homeless.
- (l) All others without a preference.

### 6.3.2 Preferences

- (a) **Terminal Illness:** Applicants with a family member who has an illness that can be documented by a medical professional as being terminal will receive a preference. Terminal illness is defined as an illness that will result in death within 24 months.
- (b) **CFI (Choices for Independence, formerly known as HCBC):** Applicants with a family member who is eligible for services through the CFI Program or who are transitioning out of a nursing home, or an institution will receive a preference. A signed verification from the family member's CFI service provider or a verification from the nursing home or institution verifying that the family member is transitioning to a more independent living situation will be required to receive this preference.
- (c) **DHHS Transitional Preference:** Persons with disabilities transitioning from institutional settings into community-based living who have case management services through DHHS will receive a preference. An institutional setting is defined as a psychiatric hospital.
- (d) **Transitional Housing:** Transitional Housing programs, which provide individual case management services, including service coordination and implementation of Transitional Housing case plans, will be given a preference.
- (e) **Homeless:** A preference is given to applicants who are:
  - (1) Lacking a fixed, regular, and adequate nighttime residence.
  - (2) Residing in Permanent Supportive Housing and qualify for the Moving On Initiative. This program is designed to support the 'moving on' of permanent supportive housing tenants who are capable of living in independent community-based housing.
- (f) **Rent Burdened/At Risk of Becoming Homeless:** A preference is given to applicants who are:

- (1) Paying more than 50% of their gross income for rent and utilities.
  - (2) Temporarily living with friends or relatives.
  - (3) Living in a substandard living situation or other temporary placement.
  - (4) Victims of domestic violence, dating violence, sexual assault or stalking who are eligible for protections under VAWA.
- (g) **Veteran:** A veteran is any person who currently serves in the United States armed forces or has been discharged or released from duty in the United States armed forces with an honorable discharge or an uncharacterized discharge based on a service-connected injury, illness, or disability.
- (h) **Project Based Voucher (PBV) movers who are eligible for protections under VAWA** and who have been living in the PBV unit for one year or more.
- (i) **Project Based Voucher movers:** If funding is not available when a Project Based Voucher resident wishes to exercise the move option after one year at the property, the participant will be given a preference.
- (j) **VASH turnover vouchers:** If funding is not available when a VASH turnover occurs, the participant will be placed on the waiting list.
- (k) **FUP Youth turnover vouchers:** At the expiration of the 36-month limit the participant will be given a preference on the wait list for a regular HCV voucher. If funding is not available when a turnover occurs, the participant will be placed on the waiting list.
- (l) **FYI turnover vouchers:** At the expiration of the 36-month limit the participant will be given a preference on the wait list for a regular HCV voucher. If funding is not available when a FYI turnover occurs, the participant will be placed on the waiting list.

### 6.3.3 Special Admissions

A sub-list will be maintained for applicants wishing to participate in a special program that is funded by a specific voucher allocation. Sub-lists will be maintained by date and time of application.

### 6.3.4 Income Targeting Requirement

In accordance with HUD's mandate to admit 75% of applicants at 30% of the area median income, extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure income-targeting requirements are met.

## 6.4 Notification of Selection (five-day letter)

Applicants are notified of an available subsidy by written correspondence. This correspondence requires the applicant to call NHHFA's toll-free number within five business days from the date of the letter to confirm their interest in participating in the program. Failure of an applicant to call within this time period results in follow up correspondence advising the applicant that their application for assistance has been inactivated. Should an applicant respond to the inactivation

correspondence within 14 calendar days from the date of the letter, the application will be re-activated, and they will be placed back on the waiting list as of their original application date. If there is subsidy available, the individual will be marketed immediately; otherwise, they will be placed back on the waiting list with their original application date. If the applicant responds after 14 days, they will need to reapply for assistance. If an applicant's failure to respond was caused by the applicant's disability, NHHFA will provide reasonable accommodation to the applicant and will reactivate their application and allow the applicant to retain their original application date. Any requests for reasonable accommodation should be directed to the Supervisor, Program Operations. Consideration will be given for individuals that are either VAWA protected or who have Limited English Proficiency (LEP).

## **6.5 The Marketing Process**

### **6.5.1 Verification**

Verification of information including household income, assets, medical, childcare, and disability expenses projected for the subsequent twelve-month period is performed to ensure that families are eligible and selected according to the Administrative Plan. This is done by requesting the applicant provide copies of each of the items that pertains to them, in accordance with HUD's most recent guidance. Preferences (if applicable) will be formally verified during this process. Each applicant is required to disclose and submit documentation to verify the complete and accurate Social Security number assigned to the applicant and to each member of the applicant's household. The only exception for submitting social security number documentation for applicants is for those who do not have eligible immigration status and, therefore, do not have a social security number. In those cases, at least one member of the household must be verified as having eligible immigration status and the assistance would be prorated. A certification is signed attesting to citizenship status and documentation is requested regarding each household member's citizenship status or eligible immigration status.

The applicant has 10 calendar days to return all paperwork. If NHHFA does not receive the required documentation within 10 calendar days, it will be assumed that the applicant is no longer interested in the program and their application will be inactivated in order for another household to be selected from our waiting list. Should an applicant respond to the inactivation correspondence within 14 calendar days from the date of the letter, the application will be re-activated, and they will be placed back on the waiting list as of their original application date. If an applicant responds after 14 days, they will need to reapply for assistance. Any requests for reasonable accommodation should be directed to the Supervisor, Program Operations. Consideration will be given for individuals that are either VAWA protected or who have Limited English Proficiency (LEP).

### **6.5.2 Completing the Marketing Process**

Copies of permanent documents are reviewed for authenticity. Verbal documentation (in person or by telephone) may also be used, and records of facts, date of contact, and source of

information, will be attested to. If a file has been prepared for initial issuance and more than 60 days has elapsed, causing the information to be outdated, telephone verifications will be used to verify if the original information has changed. In addition, if there is missing information on the self-declaration form, telephone verifications will be used and documented.

#### **6.5.3 Social Security number verification**

Acceptable documentation to verify Social Security number includes an original SS card issued by SSA, SSA benefit letters which contain the name and SSN of the individual, or an original document issued by a federal, state, or local government agency which contains the name and SSN of the individual.

#### **6.5.4 Verification of date of birth**

Birth certificates will be obtained from applicants and participants to correctly identify eligibility for deductions and allowances. Acceptable alternative documents will be a valid driver's license, a valid passport, or verification from the DHHS office which is based on copies of the birth certificates that are on file.



## 7. Voucher Issuance

### 7.1 Subsidy standards

Subsidy standards determine the family unit size. The family unit size is the number of bedrooms needed for families of different sizes and compositions and is used to determine the maximum subsidy the family may receive through the Housing Choice Voucher program.

Standards Used to Issue Voucher			Standards Used to Determine Acceptability of Unit Size (HQS Rules)	
Voucher Size	Minimum # of Persons in Household	Maximum # of Persons in Household	Unit Size	Maximum Occupancy Assuming a Living Room Is Used as a Living/Sleeping Area
0-BR	<i>Not issued</i>	<i>Not issued</i>	0-BR	2
1-BR	1	2	1-BR	4
2-BR	2	4	2-BR	6
3-BR	3	6	3-BR	8
4-BR	5	8	4-BR	10
5-BR	7	10	5-BR	12

### 7.2 Determining Family Unit Size

As a general policy, no more than two persons shall be required to share a bedroom. Subsidies will be issued based upon the smallest number of bedrooms needed to house the family without overcrowding. A family that consists solely of a pregnant woman will be treated as a two-person family. A child who is temporarily away from home because of placement in foster care is considered a member of the family in determining the family unit size.

#### 7.2.1 Exceptions to Subsidy Standards

NHHFA shall take into consideration reasonable accommodation requests when making decisions on a need for a different size unit. 24 CFR 928.402 (b) (8) allows NHHFA to grant an exception if it is determined it is justified as noted in the regulation. Requests for such consideration will be forwarded to the Supervisor of Rental Assistance.

## **7.3 Voucher Issuance**

Vouchers will be issued for an initial term of 60 days and may be extended at the request of the household and concurrence of the appropriate Rental Assistance Manager, for up to two additional 30-day periods.

### **7.3.1 Extension of Voucher Term**

Extensions of vouchers will be granted on an individual basis, assessed by the Rental Assistance Manager through contact made by the participant regarding their progress in leasing a unit during the initial 60-day period. Requests for an additional 60 days for a total of 120 days are handled by the Rental Assistance Manager.

Factors which will be considered by the Rental Assistance Manager include the following:

- (a) Extenuating circumstances of the participant such as death or illness, which prevented them from finding a unit.
- (b) Previous submissions of Request for Tenancy Approvals which were disapproved.
- (c) Family size or other barriers and special requirements which made it difficult to find a unit.
- (d) Availability of funds to support the voucher: Funding constraints may require the need to rescind vouchers or deny extensions.

NHHFA will allow a participant to extend the time allotted to search for a unit if necessary, as a reasonable accommodation. The Supervisor of Rental Assistance will assess the request using the HUD guidelines for evaluating requests for reasonable accommodation.

Rental Assistance Managers assess all requests for extensions between 60 and 120 days. The Supervisor of Rental Assistance assesses all requests for reasonable accommodation beyond 121 days. If the voucher expires and the family has been unsuccessful in locating a unit, the file will be inactivated as of the expiration date. If the family requests to go back on the waiting list, the application date will be changed to the date the voucher expired.

## **7.4 Suspension of Voucher Term**

- (a) NHHFA will only accept one Request for Tenancy Approval (RFTA) at a time. When a participant submits an RFTA during the term of the voucher, NHHFA will allow suspension of the voucher as defined in the regulations. Suspension is defined as stopping the clock on the term of a participant's voucher, for such period as determined by NHHFA, from the time when the participant submits a request for approval to lease a

unit, until the time when the NHHFA approves or denies the request.

- (b) NHHFA will grant suspensions for repairs that were identified at inspection to allow the leasing of a unit.
- (c) There will be a 60-day maximum suspension. If NHHFA is unable to approve the unit within 60 days from the date of suspension, the family must look for another unit. On the 61st day the clock would restart, and the remaining time of the voucher term would be calculated.
- (d) If NHHFA denies a unit under suspension, the family will be allowed to continue looking for a unit. The clock will begin on the date of denial and the family will receive additional time equaling the total time of the suspension.
- (e) NHHFA will also allow suspensions as reasonable accommodation for a participant with a disabled family member to allow equal access to housing opportunities.

## ***8. Voucher Briefing***

### **8.1 Briefing**

HUD regulations require NHHFA to brief voucher holders to explain how the program operates and the participant obligations under the program. This is accomplished through an oral briefing, briefing video available on the NHHFA website, and written information sent to the participant.

#### **8.1.1 Oral Briefing**

NHHFA makes available on their website a presentation giving the oral briefing information which briefs participants on their obligations and how the program works. Participants are encouraged to call their Rental Assistance Manager with any questions.

#### **8.1.2 Briefing Packet**

The briefing packet must contain all the items listed in 24 CFR 982.301. The family obligations which are found in 24 CFR 982.551 are listed in the briefing handbook.

## 9. Annual Income

### 9.1 Alternative Verification Hierarchy

This MTW activity waives HUD PIH Notice 2018-18 and successor notices to allow NHHFA to utilize an alternative streamlined method to verify household income for all HCV households. Implementation would begin at the next annual or interim recertification to be completed.

1. Alter the verification hierarchy to the following:

Level	Verification Technique	Ranking
1	Upfront income verification using HUD's EIV & IVT	Highest (Mandatory)
2	Upfront income verification no HUD system	Highest (Optional)
3	Written third party verification OR written third party verification form OR Oral third-party verification	High (mandatory)
4	Self-Certification	High (Optional)

2. Extend the time that verifications are valid: for applicants, verifications may not be more than 180 days old at the time of voucher issuance.
3. For fixed income applicants and clients (Social Security award letters, fixed pensions, and VA benefits, etc.) verifications are valid for the full calendar year in which they are effective.

### 9.2 Assets

NHHFA will allow self-certification of assets at reexamination up to \$50,000.

The cash value of the asset must be used in determining income from assets. The cash value is the amount the family would receive if the asset were converted to cash. Cash value is the fair market value of the asset minus reasonable costs to convert the asset to cash. It is acceptable to use actual cost or a benchmark of 10% to verify the estimated closing costs for each real estate transaction. To determine the cash value, take the fair market value and deduct 10% to determine the amount to be included as an asset.

Assets disposed of for less than fair market value within two years of the effective date of the certification or recertification are considered to be disposed of for less than fair market value

if the cash value of the disposed asset exceeds the gross amount the family received by more than \$1,000. NHHFA will use \$1,000 as the minimum threshold as suggested in the 4350.3 HUD handbook. Therefore, when the difference between the cash value and the amount the family received is less than \$1,000, we will not count the amount as income.

### **9.3 Medical Expenses**

The income and expenses allowed for each household are described by HUD through Federal regulations and no deviation from these will be permitted. Over-the-counter medical items will be verified by a medical professional. Mileage expenses for medical needs will be verified by the participant. NHHFA will use the current IRS rate for mileage expenses as published in the IRS Publication 502. The IRS Publication 502 is also used as the standard for defining what qualifies as a medical expense. Reasonable accommodation will be considered when approving deductions for medical expenses.

## **10. Subsidy Determinations**

### **10.1 Minimum rent**

NHHFA sets its minimum rent at \$50.

Elderly and disabled households are exempt from this activity. For existing households who have a Total Tenant Payment TTP below \$50, the new minimum rent will be implemented within 90 days of the effective date of this MTW activity. New Admission families are notified of the minimum rent and hardship policy at intake and at each regular reexamination.

The VASH special purpose vouchers are exempt from this policy. The minimum rent will be extended to the following special programs FUP, EHV, FYI in accordance with the MTW Operations Notice. Each family impacted by the minimum rent receives information on the Family Self-Sufficiency (FSS) program and has access to financial budgeting and employment coaching.

#### **Hardship policy**

**Eligibility:** In order to be approved for a hardship exemption from minimum rent the household must meet the criteria as listed in Determining Eligibility for Financial Hardship.

In addition, the household must meet the following criteria:

- The household follows all program rules and regulations.
- The household does not owe NHHFA any money or is current/up to date with an existing repayment agreement.
- The household has completed an application for the FSS program; and
- The household has submitted a request for hardship within 15 business days from the date of the Minimum Rent Notification Letter to request an Informal Hearing and/or Hardship Review.

**Timeframe:** Households who qualify and receive waiver approval will have their tenant rent adjusted without the application of the minimum rent for a maximum period of 90 days beginning the month following the date of the family's request for a hardship exemption. At the end of the 90-day suspension period, NHHFA will reinstate the minimum rent.

### **10.2 Housing Assistance Payment**

NHHFA makes HAP payments once a month. The Supervisor, Rental Assistance, using the computation sheets as payment requests, prepares the authorizations for HAP payments by making monthly adjustments to the computer record. Payments to owners are not made for initial leases without fully executed contracts. Once payments have been run through the

computer HAP system, a copy of the authorization for HAP is filed in the accounting system as a permanent record of payment. The Housing Assistance Payment is deemed received by the owner upon disbursement by NHHFA. An Electronic Fund Transfer (EFT) is received on the first business day of the month.

### **10.3 Payment Standards**

- (a) The Supervisors of Rental Assistance are responsible for reviewing the payment standards for the voucher program and making recommendations for adjustments, as necessary. Adjustments are approved by the Managing Director, Assisted Housing. These reviews will be performed at least annually by geographic area and bedroom size. Each payment standard amount on the schedule is not less than 80 of the published Fair Market Rent (in effect when the payment standard is adopted) for the unit size and is not more than 120% of the Fair Market rent or HUD-approved community wide exception rent (in effect when the payment standard amount is adopted) for the unit size.
- (b) NHHFA will monitor rent burdens of families assisted in the voucher program and will modify payment standards as needed.
- (c) If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the household at any time after the effective date of the increase, rather than waiting for the next regular reexamination.
- (d) If the household voucher size increases or decreases during the HAP contract term, the new household unit voucher size will be used to determine the payment standard amount for the family at any time after the effective date of the change in family size, rather than waiting for the next regular reexamination.
- (e) If the payment standard amount has decreased, during the term of a HAP contract, NHHFA will not reduce the payment standard as long as the HAP contract remains in effect. If the household moves to a new unit, NHHFA will apply the payment standard in effect at the time of the move.

### **10.4 Initial Rent Burden**

NHHFA will raise the maximum family share at initial occupancy not to exceed 45%. The goal is to keep most families paying 40% of their income towards rent at initial occupancy. The exception will allow families who want to pay a higher amount to receive more housing opportunities. The family share may not exceed 60% of the family's monthly income.



## **11. Housing Quality Standards**

### **11.1 Initial Inspections**

The timeframe from receipt of the RFTA to Inspection should be less than 15 working days. Every effort will be made to inspect quickly to allow for full use of the program.

### **11.2 Pre-Qualifying Unit Inspections**

NHHFA may conduct pre-inspections on project-based voucher units on an as needed basis. The pre-inspection will be completed within 90 days of the participant occupying the unit. The participant will be able to request an interim inspection. HQS inspection standards at 24 CFR 982.401 will not be altered.

### **11.3 Alternative Inspection Schedule**

NHHFA will conduct inspections every three years for properties financed with Low Income Housing Tax Credits. Other units will be added to triennial inspections based on the quality of the unit and previous inspection results. All other unit inspections will be conducted biennially. All units will be inspected at least once every three years, The participant may request an interim inspection. HQS standards as found at 24 CFR 982.401 will not be altered. HUD can conduct or request the agency to perform an inspection at any time for health and safety, as well as accessibility purposes.

### **11.4 General HUD requirements**

NHHFA uses the Housing Quality Standards in the Federal regulations (24 CFR 982.401). The National Fire Protection Association (NFPA) standards for smoke detectors, carbon monoxide detectors and overall fire protection and safety is used as inspection criteria. The inspections are performed by the Rental Assistance Inspector using the Inspection Checklist developed by HUD. The Mod Rehab program will use the Uniform Physical Conditions Standards (UPCS).

### **11.5 HQS inspections**

#### **11.5.1 Scheduling the inspection**

- (a) The Rental Assistance Inspector is required to perform an inspection at least biennially. As supported by regulation, NHHFA may inspect at any time it is determined necessary.
- (b) Whenever feasible, the participant will be informed in writing at least 7-10 calendar days in advance of the inspection. For staff safety as well as liability purposes, the participant, a representative of the participant who is an adult over the age of 18, or the

owner or their - representative must be present for the inspection.

Participants will be given two separate opportunities to make arrangements for their unit to be inspected. After the second unsuccessful attempt, the participant's rental assistance will be terminated. Exceptions for extenuating circumstances may be made due to the participant's hospitalization, need for reasonable accommodation or due to an acceptable need to re-schedule. However, every attempt will be made to hold the participants to a time frame when re-scheduling to ensure compliance with inspection deadlines.

### **11.5.2 Remote Virtual Inspections**

NHHFA may conduct a Remote Virtual Inspection under the following circumstances:

- (a) Properties that receive Low Income Housing Tax Credits, Federal HOME funds, or financed by Rural Development.
- (b) Properties that do not have children under the age of 6 unless the property was constructed after 1978.
- (c) Reinspection of items that failed previously on an initial inspection.
- (d) Stay-at-home orders issued by a government agency.

## **11.6 Inspection Results**

After every inspection has been completed, the owner and the participant are notified in writing on the inspection report of the outcome of the inspection. When an inspection has items that fail the following process is followed.

### **11.6.1 Failed Inspections**

- (a) Life threatening fails-When life threatening fail items are reported or observed, NHHFA follows up immediately by notifying both parties either in person or by telephone what the failure item is and what must be corrected within 24 hours to remain compliant. If NHHFA is unable to contact the owner by phone or in person, a written notice is mailed to the owner.

Examples of emergency or 24-hour fail items are:

- (1) Missing entry door
- (2) Waterlogged/damaged ceilings, floor, or walls in imminent danger of collapse
- (3) Major Plumbing leaks or flooding
- (4) Natural or LP gas leak or fumes
- (5) Electrical problems which could result in shock or fire
- (6) Utilities not in service, such as electricity, gas (LP/natural), water or oil
- (7) Structural condition of the building that is in imminent danger of collapse
- (8) Absence of a functioning toilet in the unit
- (9) Lack of a functional smoke detector on each level of the unit, including the basement

- (10) Lack of functional carbon monoxide detector on each level of the unit, including the basement
- (11) Building lacks an alternate means of exit in case of fire
- (12) Absence of a heating source capable of providing adequate heat according to NH State law.

Any items that fail are considered an emergency or 24-hour fail “life threatening fail,” such as lack of heat according to N.H. State law or a life-threatening situation with the heating system or structural system, whether it be electrical, physical or utilities, the item must be repaired within 24 hours. If the life-threatening failure item is not corrected within 24 hours, the health officer or other town official responsible for health concerns may be notified when appropriate.

(b) All other failed inspections.

When fail items are identified, the owner and the participant are sent an inspection report noting the Fail or Pass with comments. A copy of the inspection report is also sent to the participant. If a unit has failed the inspection, the owner is required to bring the item into compliance within 30 days of notification. When the failure items have been corrected, verification (in the case of an initial inspection) or documentation (in the case of an annual inspection) that the failure items have been corrected is obtained.

If an owner refuses to remedy any failed item or has not accomplished that remedy within 30 days for routine fail items and 24 hours for emergency fail items, both the participant and owner will be notified that the HAP will be abated. Once HAP has been abated the payment stops and HAP will not be paid to the owner. Abated HAP can never be recouped by the owner. Payment will not be made for any time that the unit is not in compliance with the Housing Quality Standards.

(c) Schedule of repairs.

If the owner requires additional time to make repairs to a unit, they may request an extension called a schedule of repair to allow an additional 30 days to make repairs. Staff will document the file using the notes system or place a copy of the request in the participant file. If an owner requests an extension beyond the 60 days already given, staff will discuss with the supervisor before approving. Payment should not continue beyond 90 days after receipt of a schedule of repairs.

(d) Contract Cancellation.

If the owner still has not completed the repairs within two weeks of the notice of abatement, and those fails are of a serious nature, a contract termination letter is prepared for signature by the Director, Program Operations. The notice must specify the date of contract cancellation. A transfer voucher will be issued to the participant. If the owner elects to remedy the failure items after HAP payment termination notification, the HAP will be abated until staff confirms the repairs have been completed.

### **11.6.2 Participant caused fails**

During the inspection, it must be determined if the failure item was caused by the participant. If the failure item or damage beyond normal wear and tear caused a failure item and it is determined that the participant is responsible, they have the same time constraints as the owner for repairing the item. If it is an emergency or 24-hour fail item, the participant must remedy the failure item within 24 hours. If it is a routine fail, the participant must make repairs within 30 days. The repair(s) must be made by the participant returning the item to its original condition or having the owner repair the item and bill the participant.

Payment arrangements for repairs billed are an issue between owner and participant. However, failure to follow through on the payment agreement would be considered grounds for termination of rental assistance with at least a 30-day notice. The participant is not eligible for a transfer voucher. They may reapply but a voucher will not be issued within 12 months from the determination of ineligibility due to failure to comply with the Statement of Family Responsibility.

## ***12. Rent Reasonableness Methodology***

### **12.1 When rent reasonableness determinations are needed**

- (a) Before entering into a HAP contract. A HAP contract cannot be executed until the file is documented that the rent to be charged is reasonable.
- (b) Before any increase in the rent to owner. A rent increase cannot be approved until the proposed rent is determined reasonable.
- (c) At any time NHHFA determines it is necessary. At all times during the assisted tenancy, the rent to the owner may not exceed the most recently determined or re-determined reasonable rent amount.
- (d) If there is a 10% decrease in the published FMR in effect 60 days before the contract anniversary.
- (e) If directed by HUD.

To ensure that the rent reasonableness test is done at these times, the computer system is set up to require completion of the rent reasonableness form when completing those actions.

### **12.2 How rent reasonableness is determined**

NHHFA's Office of Policy, Planning and Communications will survey the State, collecting data on unassisted units and will publish the Rent Survey. The Office of Policy, Planning and Communications will also coordinate a survey of a small sample of the State, collecting data on unassisted units consisting of information on location, size, quality, amenities, services, unit type, age of contract unit, maintenance, and utilities to be provided by the owner. Points will be used to categorize the units and dollar amounts will be assigned to the point spread. Each county and HMFA and bedroom size will then be adjusted by the percentage calculated by the Office of Policy, Planning and Communications, based on the Rent Survey of the entire State.

A rent reasonable checklist will be completed at inspection, (see form below) assigning points for the comparison criteria. A rent will be determined reasonable if it falls within the Point/Rent range established by the Office of Policy, Planning and Communication. If the rent requested falls within the range and supports the correlation of lower point value supporting lower rental amounts and higher point values supporting higher rental amounts, the unit can be approved. If it does not, the owner will have to reduce the rent, or the unit will be rejected. If the unit is accepted, the completed checklist is placed in the file showing the total points earned and the approved range. If a unit falls within the established point system but the rent is too high compared to current market rents for the area, the Rent Survey, published annually by the Office of Policy, Planning and Communications may also be used to support their finding. The owner may be asked to supply rent comparability information if determined to be needed for a particular area.

The point value assigned to the nine criteria and how to assess them, are explained below, with defining information to assist staff in remaining consistent. Location, quality, size, housing type, age of unit, accessibility for persons with disabilities, amenities provided by the owner, facilities supplied by owner, and maintenance and management services provided by owner are all to be evaluated using the descriptions. A form is also provided to gather the information at inspection.

Under the voucher program, the unit will not automatically be disqualified because the contract rent exceeds the payment standard schedule. If the participant is prohibited by regulation from renting a unit whose gross rent exceeds the payment standard, the participant or owner will be notified of the problem and rent negotiations will take place. NHHFA will inform the participant if the rent is unreasonable compared to rents being charged for comparable unassisted units and will reject an unreasonable rent.

Rent reasonable factor	Description			Assigning Points
<b>1. Location</b>				<b>Point spread: Number of businesses present will make points go up or down</b>
* Residential neighborhood	Primarily homes with no more than one or two small neighborhood convenience stores, schools but generally not businesses present.			<b>15-30</b>
* Rural neighborhood	More than 5 miles to a town or city or sparsely populated neighborhood.			<b>10-25</b>
* Mixed residential & Commercial neighborhood	Homes mixed in with businesses or city dwellings or businesses close by			<b>10-20</b>
* Commercial/Industrial neighborhood	Main street of city with businesses, industries or factories			<b>0-10</b>
<b>Accessibility to services</b>				
* Close to services	Services such as stores, hospitals, pharmacies, other businesses are close by, within a few miles, possibly serviced by public transportation			<b>Point spread: *10 take bus/drive *20 within walking distance</b>
* Not close to services	More than 5 miles from stores, hospitals, pharmacies, other businesses and there is no public transportation			<b>0-10</b>
<b>2. Unit Size</b>	<b><i>Small</i></b>	<b><i>Medium</i></b>	<b><i>Large</i></b>	<b>Point spread: Higher square footage within the bedroom sizes gets higher points</b>
	<b><i>Points: 5-20</i></b>	<b><i>20-40</i></b>	<b><i>40-60</i></b>	
*Efficiency	Up to 400 sq ft	400- 600 sq ft	Over 600 sq ft	

*One-bedroom	Up to 600 sq ft      600- 950 sq ft      Over 950 sq ft	
*Two-bedroom	Up to 800 sq ft      800-1200 sq ft      Over 1200 sq ft	
*Three-bedroom	Up to 1000 sq ft      1000-1400 sq ft      Over 1400 sq ft	
*4+bedroom	Up to 1200 sq ft      1200-1600 sq ft      Over 1600 sq ft	
<b>3. Unit Type</b>		<b>Point spread: Compare overall presentation of property</b>
Indicate the type as found at inspection.	Take into account differences from town to town	
	Single family	<b>40-60</b>
	Duplex/Town house	<b>30-50</b>
	Three family	<b>20-40</b>
	Walk-up or small apt building	<b>20-40</b>
	Large Apt Building/Garden Apt	<b>20-40</b>
	High Rise building	<b>20-40</b>
	Mobile home	<b>10-20</b>
<b>4. Quality</b>		<b>Point spread: Base on number of extras or lack thereof</b>
* Fair quality	Meets minimum HQS – shabby vs. updated, no frills, no extras, no screens.	<b>0-5</b>
* Average quality	Generally, exceeds minimum HQS – a few extras, better condition of wallpaper or paint, locks on windows that are combination windows, screens.	<b>5-15</b>
* Good quality	Greatly exceeds minimum HQS – all items exceed the minimum, wall covering, carpet and other items updated.	<b>15-30</b>
<b>5. Age</b>		<b>Point spread: Within the age range, choose points to match; for example, 5-20 years: a 5-year-old property would get 20 points.</b>
Check age on the RFTA		
<b>6. Accessibility to Person with Disabilities</b>		<b>No point spread, set number of points</b>
* Unit is designed for handicapped occupancy	Wider doors, kitchen set up for handicapped use, sink access, lower countertops, chair lift, roll in shower, grab bars, or ramp.	<b>20</b>

* Unit is handicapped accessible	Few if any stairs, ramp, wide doors or elevator.	<b>10</b>
* Unit is not handicapped accessible	Stairs, no access for handicapped individual, no elevator.	<b>0</b>
<b>7. Amenities</b>		<b>Point spread: Rate quality of the amenity.</b>
Indicate those found at inspection and rate the quality of the item by choosing in the point range	Choose from the list and rate the quality or size.	
<b>8. Facilities</b>		<b>Point spread: Judge amount or quality of facility.</b>
Indicate if found upon inspection	Indicate presence of laundry, parking, playground, swimming pool, community building.	<b>Number of parking spaces, quality of playground, pool and community buildings.</b>
<b>9. Management &amp; Maintenance</b>		<b>Point spread: Use the questions below to choose points</b>
Indicate what was found at inspection or indicated on the lease	Indicate if management is on-site	<b>Does the facility have a resident or management office? * Mgmt. office gets higher points. 2-5</b>
	Emergency maintenance is available	<b>Is there a 24-hour number or person available on site? * 24-hour number gets more points. 2-5</b>
	Owner maintains grounds	<b>Are the grounds well maintained? Are the following things in good condition?</b> <ul style="list-style-type: none"> <li>• lawn and landscaping</li> <li>• walkway</li> <li>• snow and ice cleared</li> </ul> <b>2-10</b>
	Owner maintains building	<b>Are the buildings well maintained? Are the following things in good condition?</b> <ul style="list-style-type: none"> <li>• hallways/common</li> </ul>



		<b>areas</b> <ul style="list-style-type: none"> <li>• carpet in good repair</li> <li>• air quality (smell)</li> </ul> <b>2-10</b>
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**Note the following items to assist in completing rent reasonableness test:**

<b>Location:</b>	
Note presence of businesses in area:	
<b>Accessibility to services:</b>	
Public transportation?	
<b>Unit size:</b>	
Square foot approximation:	
<b>Unit type:</b>	
Impression of unit type?	
<b>Quality:</b>	
Shabby wallpaper, carpet and other parts of unit?	
Screens?	
Updated wallpaper, carpet and other parts of unit?	
<b>Accessibility to person with disabilities:</b>	
Wider doors, kitchen modifications, grab bars, ramp?	
Few stairs, ramp, wide doors or elevator only?	
No way for handicapped access?	
<b>Amenities:</b>	
Air conditioning?	
Carpeting, fair or new condition?	
Washer and dryer in unit?	
Washer and dryer hook ups only?	
Dishwasher?	
Garbage disposal?	
New/nearly new appliances?	
Closet space: adequate or abundant?	
Locked storage space?	
Patio, deck, balcony or porch?	
Other amenities?	
<b>Facilities:</b>	
Laundry facilities on site, not in unit?	
Is there parking on site, not covered?	
Is there parking on site? covered or garage?	
Is there a playground, swimming pool or tennis court?	
Is there a community building?	
Are there other facilities to note?	
<b>Management and maintenance:</b>	

Is on-site management a resident or do they have a management office?	
Person available on site for emergency maintenance?	
24-hour emergency maintenance number available?	
Condition of lawn and landscaping?	
Condition of walkway: cracked, crumbling?	
Condition of snow and ice removal?	
Condition of hallways?	
Condition of carpet in common areas?	
Air quality in common areas?	
<b>Other items noted:</b>	

Form for use at inspection:

**Participant name:** \_\_\_\_\_

**Unit address:** \_\_\_\_\_

### 12.3 Owner dispute of rent reasonableness

If an owner disputes the reasonableness of the rent, the owner can submit documentation such as current leases for other unassisted units subject to the evaluation of the same nine criteria or comparable units in the same area for similar type unassisted housing. Any information deemed necessary to support any change in the approved rent may be requested. NHHFA will determine the measure of acceptable documentation and does not need to accept information submitted by an owner that cannot be verified as accurate or genuine. The burden of proof is on the owner to establish comparability if requesting something different than what our point system will support.

## ***13. Special Housing Types or Programs***

### **13.1 Shared Housing**

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. An assisted family may share a unit with other persons assisted under the Housing Choice Voucher Program, or with other unassisted persons. Each household receives a voucher with the smallest number of bedrooms consistent with the occupancy standards. Separate HAP contracts and separate leases are used for participants who take part in the Shared Housing Program.

### **13.2 Single Room Occupancy Facilities**

Single-room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities. An SRO unit may not be occupied by more than one person. Program regulations do not place any limit on the number of units in an SRO facility.

### **13.3 Congregate Housing**

Congregate housing is intended for use by elderly persons or persons with disabilities. A live-in aide may live in the congregate unit. The unit contains a shared central kitchen and dining area and a private living area for the individual household of a least a living room, bedroom, and bathroom. Food service for residents must be provided.

### **13.4 Group Homes**

A group home is a State-licensed community residence intended for occupancy by elderly persons and/or persons with disabilities. A live-in aide may live in the group home. The group home consists of a resident's bedroom, which can be shared by no more than two people, a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. No more than 12 persons may reside in a group home. This includes assisted and unassisted residents and any live-in aides.

### **13.5 Cooperative Housing**

Cooperative housing is owned by a nonprofit corporation or association where a member of the corporation or association has the right to reside in a specific apartment and to participate in management of the housing.

### **13.6 Homeownership Program**

NHHFA participates in the Housing Choice Voucher Homeownership Program

The Housing Choice Voucher (HCV) homeownership program allows families that are assisted under the HCV program to use their voucher to buy a home and receive monthly assistance in meeting homeownership expenses.

- (a) Additional requirements for participation will be as stated in the PHA plan [982.626(b)]
  - (1) Bank accounts open for a minimum of six months.
  - (2) Established credit history as shown by rental history utility payments, or credit report.
  - (3) Proven income stability.
  - (4) Be in good standing, following all program requirements.
- (b) Maximum time to locate a home will be 180 days [982.629(a)]. Requests for extensions must be made in writing 10 days before the expiration date. If a home is not located, a voucher for rental assistance may be issued.
- (c) If a homeowner wishes to transfer back to the rental program following sale of property, a transfer voucher will be issued, and the transfer will be approved if default did not occur. [982.639 (d)] Unless the family defaulted on an FHA insured mortgage and the family fails to demonstrate that it has conveyed or will convey title to the home, as required by HUD, to HUD or HUD's designee and the family has moved or will move from the home within the period established or approved by HUD.
- (d) Continued assistance requirements include post-purchase homeownership counseling and certification of continued occupancy at the annual recertification. [982.633 (b)(8)]. If a participant wishes to move to another home within the homeownership program or transfer back to the rental program and again wants to participate in the homeownership program, individual pre-purchase counseling must be completed, and a new subsidy letter must be issued.
- (e) The allowance for maintenance expenses and for major repairs and replacements will be 5% of the monthly P & I amount for detached homes and 2% for condominium or duplexes which have ongoing condo fees to cover replacement costs. [982.635(d)].
- (f) Payment will be made to one of the following: family, lender, or direct deposit to the family's bank to facilitate automatic payment deduction. The choice of payment option will be based on the type of restrictions placed on the individual loan.
- (g) The number of moves will be restricted to one move per 12-month period with exception requests for "good cause" reviewed when submitted or for situations that qualify for VAWA exceptions. [982.637(a)(3)].
- (h) Interruptions in employment will not be considered to break continuity of employment if the break was beyond the employee's control and if there was only one break which lasted for less than 30 days. Self-employment is considered income in meeting the employment requirement. [982.627(d)(2)].
- (i) Financing restrictions will include balloon financing, seller financing and adjustable-rate mortgages. [982.632(a)].

(j) Referrals will be accepted from other Public Housing Authorities.

- (1) Participation in the HCV Homeownership Program shall continue until such time as the assistance payment amounts to zero for a period of six consecutive months. At that time, the family will no longer be eligible, and the HAP will be terminated. However, should the HAP be zero, for 180 consecutive days, NHHFA reserves the right to extend the period past 180 days, should there be documented extenuating circumstances for an extension to the time period (not to exceed an additional 180 days). Such documented extenuating circumstances include but are not limited to:
  - a. Death in the family.
  - b. Loss of employment income.
  - c. Documentation of a medical or financial hardship for a member of the assisted household.

## **13.7 Manufactured home Space Rental**

A manufactured home is defined as a manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets housing quality standards (HQS)

The family owns the manufactured home but is renting the space under the manufactured home space rental special housing type. , The definition of the space rent limits the amount of the HAP to include the monthly payments made by the family to amortize the cost of purchasing the manufactured home (including any required insurance and property taxes), in addition to the actual rent that is charged for the manufactured home space, the owner maintenance and managements charges for the space, and the applicable allowance for tenant-paid utilities.

The payment standard amount that is used is from the program payment standard schedule for the area where the manufactured home is located.

NHHFA will pay the HAP directly to the owner of the manufactured home space. If the HAP exceeds the rent to the space owner, NHHFA will pay the remaining HAP balance to the family.

## **13.8 Special Voucher allocation**

### **13.8.1 HUD-Veterans Affairs Supportive Housing (VASH)**

NHHFA received a special allocation of vouchers for homeless veterans. These vouchers come through a special screening process which is handled by the Veterans Administration. The program is governed by several special regulations with regard to initial criminal screening, family break up policy and case management.

### **13.8.3 Family Unification Program (FUP)**

NHHFA will provide rental assistance to families eligible under the Family Unification Program (FUP). FUP is a program under which housing assistance is provided under the voucher program in partnership with Public Child Welfare Agencies (PCWAs) to two groups:

- (a) Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care; or the delay in the discharge of the child, or children to the family from out-of-home care; and

Youth at least 18 years of age and not more than 24 years of age (have not reached their 25<sup>th</sup> birthday) who left foster care or will leave foster care within 90 days and are homeless or at risk of becoming homeless at age 16 or older.

NHHFA will administer the funding awarded for FUP in accordance with the Memorandum of Understanding between the NHHFA, PCWA and the Continuums of Care (CoCs).

### **13.8.4 Foster Youth to Independence (FYI) Program**

The Foster Youth to Independence (FYI) initiative makes Housing Choice Voucher (HCV) assistance available to Public Housing Agencies (PHAs) in partnership with Public Child Welfare Agencies (PCWAs). Under FYI, PHAs provide housing assistance on behalf of: Youth at least 18 years and not more than 24 years of age (have not reached their 25<sup>th</sup> birthday) who left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act and are homeless or are at risk of becoming homeless at age 16 or older.

### **13.8.5 Non-Elderly Disabled (NED) Families**

Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments

NHHFA received special purpose vouchers under a Notice of Funding Availability (NOFA) to provide rental assistance to non-elderly persons with disabilities in certain types of Section 8 Project-Based Developments. These households were admitted to the voucher program as special admissions. Turnover vouchers from the original allocation from HUD will be offered to NED families on NHHFA's waiting list.

## **13.9 Mainstream Housing Program**

- (a) Mainstream Vouchers (also formerly known as Mainstream 5-Year Vouchers or Section 811 Vouchers) are tenant-based vouchers that serve a special population of households. All Mainstream Vouchers serve households that include a non-elderly person(s) with

disabilities, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old at the effective date of the initial Housing Assistance Payment Contract.

- (b) NHHFA adopted a preference in a Notice of Funding Availability application to non-elderly persons with disabilities who are transitioning out of institutional or other segregated settings or at serious risk of institutionalization. To qualify, the household must be composed of one or more non-elderly persons with disabilities (a person 18 years or older and less than 62 years of age), which may include additional household members who are not non-elderly persons with disabilities.
    - (1) NHHFA will establish partnerships with health and human service agencies to coordinate services and supports to enable individuals to live independently in the community.
    - (2) Referrals will be made from the partner agencies for placement on the Mainstream program sub-list
    - (3) Individuals may apply directly without going through a partner agency.
    - (4) Preference for placement on the sub-list will be given to individuals who qualify for the Mainstream Program preference. Sub-lists will be maintained by date and time of application. NHHFA will provide a preference for non-elderly persons with disabilities:
      - a. Transitioning out of institutional and other segregated settings; or
      - b. Those at serious risk of institutionalization.
      - c. Residents of permanent supportive housing or a rapid rehousing program who have previously experienced homelessness.
- The NOFA definitions will be used to determine the eligibility of applicants for this preference.

### **13.9.1 Extraordinary Administrative Fees**

NHHFA has been allocated a one-time extraordinary administrative fee of \$500 for each Mainstream voucher allocated since 2017. Eligible uses are designed to facilitate the leasing of the Mainstream vouchers and fall into four categories.

- (a) Housing Search Assistance
  - (1) Help individual families identify potentially available units, including physically accessible units with features for family members with disabilities, as well as in low-poverty neighborhoods.
  - (2) Assist with the completion of rental applications and NHHFA forms.
  - (3) Identify barriers to leasing and strategies to address these barriers.
  - (4) Expedite the leasing process.
- (b) Security Deposit/Utility Deposit/Rental Application Fee and Uses.
  - (1) Application fees

- (2) Security deposit assistance- The amount of the security deposit will not exceed one month's rent in accordance with NH state law.
  - i. The security deposit will be paid directly to the owner and must be returned to NHHFA at the end of the family's tenancy.
  - ii. Security deposits returned to NHHFA will be reused for other fees related to Mainstream or for administrative costs.
- (c) Owner Incentives
  - (1) NHHFA will pay each owner who rents to a Mainstream family \$500 if the family already resides in the unit. A new lease and one-year term will be required. \$1,000 will be paid for new occupancy to any owner who agrees to rent to a Mainstream family. Owners may receive more than one incentive fee. Owners who are related to the tenant will not be eligible for the incentive fee.
  - (2) The unit must meet Housing Quality standards and other program requirements. Funds will be dispersed upon tenant move in and execution of the Housing Assistance Payment (HAP) contract.
- (d) Other Eligible Uses
  - (1) Damage mitigation- NHHFA may use funds to the owner to assist with damages to the unit caused by the tenant.

## **13.10 Project Based Vouchers**

NHHFA provides Section 8 project-based assistance using funds provided by the Section 8 Housing Choice Voucher Program. The tenant-based aspects of the voucher program do not apply to project-based assistance. Project based assistance is administered in accordance with 24 CFR 983. Project based sub-lists are maintained for each PBV property. Preferences may be designated within the PBV sub-list if they meet NHHFA's PBV goals and PHA plan. Owners select qualified applicants based on their tenant selection criteria. The Section 8 Housing Choice Voucher Application gives all new applicants the option to choose to be placed on any sub-list. In addition, the annual waiting list update gives all applicants the option to have their names placed on any sub-list.

### **13.10.1 Selection of PBV Owner Proposals**

- (a) Before selecting a PBV proposal, NHHFA will determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing, comply with the cap on the number of PBV units per project, and meet the site selection standards. Fourteen days before NHHFA issues a Request for Proposals (RFP) or selects based on a previous competition, NHHFA must submit the following information to the HUD field office and the HUD office of Public Housing Director for review:



- (1) The total number of PBV units authorized under the ACC.
  - (2) The number of PBV units that are excluded from total, if applicable.
  - (3) The total number of units currently committed to PBV, excluding any units entirely excluded from the cap.
- (b) Site selection policy will be based on compliance with 24 CFR 983.57 (b) and will include determination of consistency with the goal of de-concentrating poverty and expanding housing opportunities. To arrive at that determination NHHFA will consider:
- (1) Whether the census tract concerns cited at 24CFR 983.57 (b) (1) (i) - (vii) have be addressed. To accomplish that determination NHHFA will review:
    - a. Whether the census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community or Renewal Community.
    - b. Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization.
    - c. Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement.
    - d. Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area.
    - e. If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, NHHFA will consider whether in the past five years there has been an overall decline in the poverty rate.
    - f. Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.
  - (2) The site will be evaluated to determine that it meets site standards as listed at 24 CFR 982.401 (1). Specifically, the site and neighborhood must be reasonably free from disturbing noises, reverberations and other dangers to the health, safety, and general welfare of the occupants.
  - (3) The site will be reviewed to determine that it is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of the Civil Rights Acts outlined at 24 CFR 983.57(b) (2).
  - (4) NHHFA's site selection procedures promote the PBV goals by supporting service-enriched housing opportunities for seniors and special needs populations, including Veterans Affairs Supportive Housing.
- (c) Existing and rehabilitated housing sites must meet the standards listed at 24 CFR 983.57(d) (1) - (4) which consider utilities, disposal systems, concentration of poverty, accessibility to services, and acceptable travel time to places of employment.
- (d) New construction site standards also must consider the items listed in (c) of this

section and must consider the factors found at 24 CFR 983.57 (e)(3) (i) – (v) if the project would be located in an area of minority concentration.

(e) NHHFA will select PBV proposals by the following methods:

- (1) NHHFA may solicit proposals by using a request for proposals to select proposals on a competitive basis. NHHFA will not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- (2) NHHFA may select proposals for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTC's have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

(f) Procedures for selecting PBV proposals

- (1) Procedures for selecting PBV proposals will be designed and operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by NHHFA. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and operated to provide broad public notice. NHHFA will post the RFP and proposal submission procedures on its website. The public notice of NHHFA's request for PBV proposals will specify the submission deadline.
- (2) Detailed application and selection information will be provided at the request of interested parties.
  - a. The RFP will ask the respondent to state how they will meet the site selection criteria which are listed in Section 13.8.1 (b), (c) and (d).
  - b. NHHFA will give prompt written notice to the party that submitted a selected proposal and will also give prompt public notice of such selection. Public notice procedures include publication of the selection on the NHHFA electronic website and may include other means as determined by NHHFA to provide broad public notice.
  - c. NHHFA will make documentation available for public inspection regarding the basis for the selection of a PBV proposal.

(g) Cap on number of PBV per project

Services are a component of the VASH program and as such, PBV VASH will be considered to meet the requirements for an exception to the 20 percent program cap or 25-unit project cap. The VAMC, in those instances, will monitor the

continued receipt of the services and will work with NHHFA to take appropriate action regarding families who fail to complete their supportive service requirements.

(h) Exceptions to Project cap

The type of services that NHHFA will consider offering to families for a project to qualify under the exception to the cap are:

- (1) Meal service adequate to meet nutritional need,
- (2) Housekeeping aid,
- (3) Personal assistance,
- (4) Transportation services,
- (5) Educational and employment services,
- (6) Life skills training, or
- (7) Other services designed to help the recipient live in the community as independently as possible.

Services are voluntary and provided to the extent needed by the individuals.

Acceptance of the services is not a tenancy requirement. All applicable federal and local Fair Housing Standards will be followed.

(i) Adding Units to PBV HAP Contract Without Competition

NHHFA will consider adding units to existing contracts to enhance housing opportunities for very low or extremely low-income households. Service enriched housing will also be considered as a solid rationale for adding units to an existing contract.

### **13.10.2 Project Based Voucher Occupancy**

- (a) NHHFA shall use a separate waiting list for admission to the PBV units. Applicants on the tenant-based waiting list are given an opportunity to also be placed on the waiting list for PBV assistance. In selecting families to occupy PBV units with special accessibility features for persons with disabilities, NHHFA will first refer families who require such accessibility features to the owner.
- (b) Subject to NHHFA approval, owners may request to establish preferences other than those listed in NHHFA's preference list. A preference may be given to applicants with a demonstrated need for particular projects offering specialized supportive services. All preferences must meet federal and local Fair Housing standards.
- (c) For Existing and Rehab units, current residents have preference on the PBV site-based waiting list as long as they meet the PBV eligibility criteria.
- (d) If NHHFA determines that a family is occupying a wrong-size or a unit with accessibility features that the family does not require:
  - (1) and the unit is needed by a family that requires the accessibility features, NHHFA will notify the family and the owner of this determination within 30 days. Continued housing assistance for either a wrong-size unit or a unit with accessibility features

that the family does not require will be in the form of one of the following, whichever is first available:

- a. Project-based voucher assistance in an appropriate-size unit in the same building or in another building.
    - b. Tenant-based rental assistance under the voucher program.
  - (2) and the family is offered the opportunity to receive tenant-based rental assistance under the voucher program, assistance may be terminated for the wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher, including any extension granted by the Housing Authority or the date upon which the family vacates the unit. NHHFA must remove the unit from the HAP contract. NHHFA may grant extensions if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a member of the household or as a reasonable accommodation. The extension must be documented in the file.
  - (3) and the family is offered the opportunity for another form of continued housing assistance and the family does not accept the offer and does not move out of the PBV unit, NHHFA will terminate the housing assistance payments for the wrong-sized or accessible unit at the expiration of the family's voucher, but no longer than six months from the offer of continued assistance. NHHFA must remove the unit from the HAP contract.
- (e) Units occupied by participants whose income has increased during their tenancy resulting in the tenant rent equaling the rent to the owner, shall be removed from the HAP contract 180 days following the last housing assistance payment on behalf of the participant.
- (1) If the project is fully assisted, NHHFA may reinstate the unit removed after the ineligible family vacates the property. If the project is partially assisted, NHHFA may substitute a different unit for the unit removed when the first eligible substitute becomes available.
  - (2) Reinstatement or substitution of units under the HAP contract is allowed provided that the total number of units in a project that will receive PBV assistance are still subject to the PBV program cap and the individual project caps. The unit must have the same anniversary and expiration dates of the HAP contract as when it was originally placed under HAP contract.
- (f) Vacancy payments will be issued in accordance with 24 CFR 983.352.
- (g) The initial rent in the HAP contract will constitute the rent floor in accordance with 24 CFR 983.301 (e).
- (h) A criminal records report for all family members 18 years and older is required. Participant eligibility cannot be completed until this process is completed. When an

eligibility packet is received from the owner, the applicant will sign a release authorizing the release of the record. However, if the PBA owner has a report obtained in their screening process, the applicant can obtain a copy of that report and supply it to NHHFA to satisfy this requirement.

- (i) Housing assistance payments shall continue until the tenant rent equals the rent to owner. NHHFA can resume subsidy payments as a result of changes in income, rent or other relevant circumstances if the changes occur within 180 days of the last housing assistance payment. After the 180-day period, if there have been no changes, the unit is removed from the HAP contract.
- (j) NHHFA will offer a tenant-based voucher 24 months from the date of initial occupancy in the PBV unit. Participants may request a tenant-based voucher earlier than 24 months if the current location of housing prevents gainful employment, financial hardship, or limits medical care.

### **13.10.3 Increase PBV Program CAP**

- (a) NHHFA will increase the number of authorized units that it can project-base to not more than 50% of the lower of either the total authorized units or annual budget authority.
- (b) NHHFA may increase the PBV cap within a project up to 100%. The intent of increasing the PBV cap is to increase safe, affordable housing options to communities across the state. NHHFA will use Public and Indian Housing (PIH) notice 2013-27 where applicable or its successor.

### **13.11 Emergency Housing Vouchers (EHV)**

NHHFA received a special allocation of vouchers to assist individuals and families who are

- (1) homeless;
- (2) at risk of homelessness;
- (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
- (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having a high risk of housing instability.

These vouchers are provided as part of the American Rescue Plan (ARP). The ARP provides that HUD may waive any provision of any statute or regulation providing that any such waivers or alternative requirements are necessary to expedite or facilitate the use of vouchers made available for EHV. EHV's cannot be reissued after September 30, 2023.

The verification that the individual or family meets one of these four eligibility categories will be conducted by the Continuum of Care that makes direct referrals to NHHFA. The HUD definition of each qualifying category applies with respect to determining EHV eligibility.

### **13.11.1 Services Fees**

NHHFA will be allocated a one-time services fee of \$3,500 for each EHV allocated to support its efforts of an effective EHV program. The services fee amount is not tied to each voucher, but instead is the combined total of the services fees available to design a menu of services that will best address the leasing challenges. Eligible uses are designed to facilitate the leasing of the EHV's and fall into four categories.

(e) Housing Search Assistance

- (1) Help individual families identify potentially available units, including physically accessible units with features for family members with disabilities, as well as in low-poverty neighborhoods.
- (2) Assist with the completion of rental applications and NHHFA forms.
- (3) Identify barriers to leasing and strategies to address these barriers.
- (4) Expedite the leasing process.

(f) Security Deposit/Utility Deposit/Rental Application Fee and Uses.

- (1) Application fees
- (2) Security deposit assistance- The amount of the security deposit will not exceed one month's rent in accordance with NH state law.
  - i. The security deposit will be paid directly to the owner and must be returned to NHHFA at the end of the family's tenancy.
  - ii. Security deposits returned to NHHFA will be reused for other fees related to EHV or for administrative costs.

(g) Owner Incentives

- (1) NHHFA will pay each owner who rents to an EHV family \$500 if the family already resides in the unit. A new lease and one-year term will be required. \$1,000 will be paid for new occupancy to any owner who agrees to rent to an EHV family. Owners may receive more than one incentive fee. Owners who are related to the tenant will not be eligible for the incentive fee.
- (2) The unit must meet Housing Quality standards and other program requirements. Funds will be dispersed upon tenant move in and execution of the Housing Assistance Payment (HAP) contract.

(h) Other Eligible Uses

- (1) Moving expenses- NHHFA may provide assistance for some or all of the family's reasonable moving expenses related to their initial lease up.

### 13.11.2 Denial and Termination of Assistance

HUD is waiving 982.552 and 982.553 in part and is establishing an alternative requirement. Determinations must be made based on an individualized assessment of relevant mitigating information. Similar to the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program, HUD is waiving the prohibition on participation in the program because of drug related criminal activity.

#### (a) Criminal Activity

- a. If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
  - i. Violent criminal activity (as defined in Section 5.1).
  - ii. Other criminal activity which may threaten the health and safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- b. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months.
- c. If the family engaged in or threatened abusive or violent behavior toward the PHA personnel within the previous 12 months

#### (b) Unlike regular HCV admissions, PHA's may not deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing or if a PHA has ever terminated assistance under the program for any member of the family.
- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

#### (c) NHHFA must still deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5 as

required by § 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

- (d) When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at § 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular screening criteria in doing so.

### **13.11.3 Alternate Eligibility Requirements and Waivers**

- (a) HUD is waiving the third-party income verification requirements for EHV applicants, and alternatively, allowing PHAs to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination.
- (b) HUD is waiving the requirement to obtain and verify social security number documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance.
- (c) HUD is allowing self-certification of date of birth to verify identity and determine age and disability status, if claimed. Verification must be provided within 90 days.

### **13.11.4 Payment Standard Amounts**

- (a) A payment standard will be set between 90 percent and 120 percent of the published Fair Market Rent for that area.
- (b) The payment standard may be increased during the HAP contract term (e.g., interim recertification, owner rent increase).

## **13.12 Stability Vouchers (SV)**

NHHFA received a special allocation of vouchers to assist individuals and families who meet one of the four eligibility criteria:

- a) Individuals and families who are currently experiencing homelessness;
- b) Individuals and families at risk of homelessness;
- c) Individuals and families fleeing or attempting to flee domestic violence, dating violence, stalking, sexual assault; and
- d) Veterans and families that include a veteran that meet one of the preceding criteria (1-3).



The Balance of State Continuum of Care (CoC) will complete the referral form certifying that the family meets one of these requirements. The HUD definition of each qualifying category applies with respect to determining SV eligibility.

#### 13.12.1. Waivers and Alternative Requirements

- a) HUD is waiving the third-party income verification requirements for SV applicants and, alternatively, allowing NHHFA to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses, and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the NHHFAs request.
- b) HUD is consequently waiving the requirement to obtain and verify Social Security Number (SSN) documentation and documentation evidencing eligible noncitizen status before admitting the family to the SV program. NHHFA will admit SV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless NHHFA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.
- c) NHHFA will accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, NHHFA will obtain a higher level of verification within 90 days of admission or verify the information in EIV.
- d) Income targeting requirements of Section 16(b) of the United States Housing Act of 1937 and 24 CFR § 982.201(b)(2) are waived and do not apply for SV families.
- e) The initial term for an SV must be at least 120 days.
- f) Portability: HUD is removing this restriction for SV nonresident applicants to allow all SV families to immediately move under portability.
- g) The initial lease term for an SV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice.

#### Chapter 13 Section 13.12.2 Denials and Termination of Assistance

- (a) HUD is waiving 24 CFR § 982.552 and § 982.553 in part and establishing an alternative requirement with respect to mandatory and permissive prohibitions of admissions for SV applicants. The SV alternative requirement is as follows:

## Mandatory Prohibitions

- (1) NHHFA will apply the standards established under 24 CFR § 982.553(a)(1)(ii)(C) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to SV applicants.
  - (2) NHHFA will apply the standards established under 24 CFR § 982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program to SV applicants.
- (b) Unlike regular HCV admissions, NHHFA may not deny an SV applicant admission regardless of whether:
- (1) Any member of the family has been evicted from federally assisted housing, or
  - (2) NHHFA has ever terminated assistance under the program for any member of the family.
  - (3) The family currently owes rent or other amounts to the NHHFA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
  - (4) The family has not reimbursed any NHHFA for amounts paid to an owner under a HAP Contract for rent, damages to the unit, or other amounts owed by the family under the lease.
  - (5) The family breached an agreement with any PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
  - (6) The family would otherwise be prohibited admission under alcohol abuse standards established by the NHHFA in accordance with 24 CFR §982.553(a)(3).
  - (7) NHHFA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

## ***14. Moving with continued assistance and portability***

### **14.1 Participants Wishing to Move**

Participants wishing to move, but not required to move, may receive a transfer voucher to "shop for a new unit". NHHFA will limit the number of "at will" moves from one apartment to another for voucher households to one per 12-month period. If a household has good cause for moving, a request may be submitted to the Supervisor of Rental Assistance for review and approval. Exceptions will be made for reasonable accommodations and VAWA.

### **14.2 Continuously Assisted Time Frame**

NHHFA will not consider any break in assistance when determining eligibility for receipt of a transfer voucher. It is NHHFA's policy to issue a transfer voucher when payment is stopped for HQS violations, and the family has 60 days to locate a new unit. The participant may be eligible for extensions. Those transferring from project-based assistance to tenant-based assistance will not be allowed to have a gap in assistance to still be considered eligible under the definition of Continuously Assisted under the 1937 Housing Act.

### **14.3 Portability**

If the applicant did not live in the state of New Hampshire when they applied for assistance, they must live in New Hampshire for 12 months with their voucher before they would be eligible to port. NHHFA will consider exceptions to this policy for purpose of reasonable accommodation or VAWA.

## **15. Recertifications**

### **15.1 Annual and Triennial Recertifications**

- (a) NHHFA will conduct recertifications of family income and household composition at least triennially. Exceptions to this policy will be made for households who report zero income. Zero income households will be recertified every year. Utility allowances and payment standards will be updated annually.
- (b) NHHFA will begin its recertification process 120 days in advance of the effective date of the recertification. Notification of the recertification will be sent to the participant.

If the participant does not respond within 14 days, a notice of pending termination is sent to the family. The family is given an additional 10 days to respond. If no response is received at that time, a notice of termination will be sent to the participant.

The information provided by the participant must be verified in accordance HUD requirements. Certain types of information that are verified at admission do not need to be re-verified annually. These include legal identity, age, social security numbers and citizenship status.

#### **15.1.1 Ongoing eligibility of students**

During the annual reexamination process NHHFA will determine the ongoing eligibility of each student who is subject to the eligibility restrictions. The student's individual income as well as the income of the parents will be verified. If the student has been verified as independent from his or her parents, the income of the parents will not be reviewed.

If the student is no longer eligible based on their own income or the income of their parents, their assistance will be terminated.

### **15.2 Interim Reexaminations**

Interim changes must be reported in writing or by e-mail, within 14 days of occurrence.

An interim change will be completed when:

- (a) The household composition changes for any of the following reasons:
  - (1) adding a new member who requires approval; or
  - (2) adding a family member by birth, adoption or court awarded custody; or
  - (3) removing a family member for any reason
- (b) The household reports a decrease in income that lasts more than thirty days.
- (c) A household without income has any increase in income or assets except when it occurs

within 120 days of the recertification.

- (d) The household has misrepresented the facts upon which the rent is based.
- (e) There is an administrative error on the part of NHHFA.
- (f) A person entitled to the Earned Income Disallowance enters the 50% phase of disallowance.
- (g) A person on the FSS (GOAL) program has a change in earned income and wants to take advantage of the escrow benefit.

An interim change will not be completed until the next annual recertification when:

- (a) A household who has income currently reports a change in income, including a new source or type, a raise in wages, or an increase in hours.
- (b) The participant receives a Social Security or VA Pension cost of living increase or some other change in their Social Security or VA Pension payment.
- (c) A child turns 18.
- (d) An increase in income or assets occurs during the recertification period (within 120 days of the recertification date).

Requests for exceptions to this policy should be forwarded to the Supervisor, Rental Assistance.

### **15.3 Effective dates**

The new rental amount for the participant is effective on the first of the month following a 30-day notice period. If the tenant's rent is decreasing, no 30-day advance notice is required. NHHFA will use the date the form was signed by the participant unless there is an obvious delay in mailing the form. If the family fails to report a change within the required time frame, or fails to provide all required information as requested, the increase will be applied retroactively to the date it would have been effective had the information been provided in a timely manner. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement.

### **15.4 Adding Household Member**

NHHFA will use the same standard for determining eligibility for someone adding a household member as it does for initial participant selection however, a reexamination in income will not be done until the recertification unless the person is under 18 and the reexamination is needed to add the dependent deduction. The participant is required to first seek owner approval, and then seek NHHFA approval. Additions to the household, other than births, adoptions, or court awarded custody, require the participant to request approval by NHHFA prior to permitting anyone not on the lease to occupy the unit. When adding a household member over the age of 18, a criminal record report is required. The new household member is not eligible for assistance until the report has been received and approved.

### **15.5 Failure to report changes**

Failure of a household to report any of the above referenced changes of income or assets, or

household composition, in writing within 14 calendar days or to secure approval for a change in household composition, other than birth, adoption or court awarded, will result in the subsidy being adjusted retroactively, and the participant being billed any overpayment of Housing Assistance Payments amounts. The process for handling errors and omissions and fraud and abuse is:

- (a) If the participant fails to report a change, in addition to the repayment agreement mentioned above, a written warning will be sent. This will be done for errors and omissions in reporting income, assets, or household composition.
- (b) At the second infraction, the participant will be terminated from the program in addition to being placed in a repayment agreement for the amount owed.
- (c) At any time, if the infraction is determined to be intentional, steps will be taken to terminate assistance even without a previous warning. When determining whether a failure to report changes is intentional, staff will consider factors such as:
  - (1) The amount of the repayment agreement exceeds a HUD benchmark of \$2,400.
  - (2) An annual recertification has been completed following the increase in income, assets or following the household composition change and it was not reported at the recertification.
  - (3) Credible evidence is received by NHHFA that shows the person failed to report a change.
  - (4) A participant has signed paperwork or supplied information that confirms they withheld reporting the change. This paperwork includes, but is not limited to, the Statement of Family Responsibility, Marketing Declaration Form, Recertification Declaration Form, or any other reporting form.

Extenuating circumstances will be reviewed by the Rental Assistance Manager and any request for review of the situation will be forwarded to the Supervisor, Rental Assistance.

## **15.6 Income Validation Tool (IVT)**

The IVT report facilitates and enhances identification of unreported or under reported income during interim and regular reexaminations. The IVT also provides income and wage, unemployment compensation and SSA benefit information. Additionally, the IVT report provides income information for heads of household and family members where there may be discrepancies in family reported income and employer reported income.

At each regular and interim reexamination of income and family composition NHHFA will:

- (a) Review the EIV income and the IVT reports to confirm/validate tenant reported income.
- (b) Make note in the tenant file that the reports have been viewed and if results were validated or unvalidated.
- (c) Obtain current acceptable tenant provided documentation to supplement EIV information (if applicable); and
- (d) Use current tenant provided documentation and/or third-party verification to calculate

annual income.

(e) Follow NHHFA policy in Chapter 16 if needed.

## **15.7 Incentives for increases in Family Income**

NHHFA will implement an MTW/FSS Program titled Striving Towards Economic and Personal Success (STEPS) program with the goal of creating opportunities to increase self-sufficiency for working families by incentivizing families who obtain new employment and remain continually employed.

- Incentivize families who work for six consecutive months with a \$50 gift card.
- Incentivize families with zero income or those who are not enrolled in the asset building cohort who subsequently become employed and work for six consecutive months with a \$50 gift card.

## 16. Repayment Agreements

### 16.1 Participant Repayment Agreements

- (a) Repayment agreements will be offered to participants in accordance with CFR 982.552(c) (vii).
- (1) All adults over 18 in the household at the time of the infraction must sign the agreement.
  - (2) Participants cannot have more than one repayment agreement at a time.
  - (3) If the participant owes for an additional repayment, the older debt must be paid in full prior to the offer of a new repayment agreement. A new repayment agreement will not be entered into unless needed for reasonable accommodation.
  - (4) If a participant has breached a prior repayment agreement and they wish to return to the HCV program or be placed on the waiting list, the breached repayment agreement amount must be paid in full before they can receive assistance.
  - (5) Transfer vouchers will not be issued to any participant who is not current in their repayment agreement unless they qualify for protections under the VAWA law. If a participant wishes to port out to another jurisdiction, the repayment agreement must be paid in full before they will be issued a transfer voucher. Exceptions will be granted if the participant qualifies for protections under the VAWA law.
  - (6) Requests for exceptions shall be forwarded to the Director, Program Operations.
- (b) The maximum length of time allowed and minimum amount due schedule for repayment is as follows:

Minimum	Amount owed	Maximum Time
None allowed	<\$100.00	pay in full
\$20.00	\$101.00 - \$500.00	1 year
\$30.00	\$501.00 - \$1,000.00	2 years
\$40.00	\$1,001.00 - \$1,900.00	3 years
\$50.00	\$1,901.00 - \$3,000.00	4 years
\$100.00	\$3,001.00 and up	5 years

Requests for exceptions should be forwarded to the Supervisor of Rental Assistance.

- (c) Monthly bills will be sent to participants by the Finance and Accounting Division. Bills that are 60 days or more delinquent will be sent a pending termination letter. If the participant does not become current or an arrangement for payment is not made, the repayment has been breached and a termination letter will be sent. Defaults over \$10,000 may be pursued in court. The Executive Director will be notified when there are defaults that require NHHFA to enter into court action in superior court.



- (1) If a participant files for bankruptcy, a request for forbearance will be accepted until final judgment is entered. If the participant receives a judgment of bankruptcy, the debt with NHHFA is discharged. If the judgment of bankruptcy is denied, the repayment agreement is reinstated.

## **16.2 Subsidy overpayments to owners**

If HAP to an owner is overpaid the subsidy overage will be deducted from the following month's HAP payments if the owner has other participants on the program. If there are no HAP payments to deduct the money from, payment is requested from the owner.

Payment arrangements can be made. If the money is not returned, the owner may be disqualified from future participation in the program and the matter may be referred to our attorney for collection. Amounts owed which are greater than \$5,000 will be pursued in small claims court. Amounts greater than \$10,000 will be pursued in superior court and the Executive Director will be notified of that action. NHHFA also reserves the right to contract with a collection agency to recover amounts owed.

### **16.2.1 Deceased participants**

In accordance with PIH Notice 2010-50 the following process will be followed for report of a deceased participant when the owner was ineligible to receive payment:

- (a) The owner will be notified in writing immediately and will be required to repay the overpayment to NHHFA within 30 days.
- (b) If the owner does not comply, NHHFA may deduct the amount due from any amounts due to the owner under any HAP contract.
- (c) If there are no other HAP contracts with the owner, NHHFA may seek and obtain relief by judicial order in accordance with state and local laws.
- (d) If NHHFA is unable to recoup the amount owed, it will be deducted from Administrative Fees.

## ***17. Informal Hearing and review Procedures***

### **17.1 Informal Review Procedure**

- (a) If NHHFA denies assistance to an applicant or denies the applicant placement on the waiting list, it must give the applicant prompt notice of the decision. The notice must contain a brief statement of the reasons for the decision, state that the applicant may request an informal review of the decision and must describe how to obtain an informal review.
- (b) The notice must inform applicants requesting a review to put their request in writing. That request should be sent to the attention of the Director, Program Operations, within 14 calendar days of the notification of denial.
- (c) The review will be conducted by an employee of NHHFA, or another qualified person designated by NHHFA. The person conducting the review will not be the person who made or approved the decision under review or a subordinate of this person.
- (d) The applicant can present written or oral objections to NHHFA's decision.
- (e) NHHFA must notify the applicant of the final decision, within five days after the review, including a brief statement of the reasons for the final decision.

### **17.2 Informal Hearing Procedure**

NHHFA may conduct a remote hearing if social distancing requirements present significant challenges to conduct in-person hearings. NHHFA will comply with HUD guidance to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the hearing process. If no method of conducting a remote hearing is available to the individual, NHHFA will postpone the hearing to a later date that is appropriate.

- (a) Each time NHHFA takes an action which may adversely affect a participant's right to housing assistance, the participant is notified in writing of their right to a hearing. The notice must state the reasons for the decision, state that if the participant does not agree with the decision, they may request an informal hearing on the decision and state the deadline for the participant to request an informal hearing. Requests for a hearing should be sent in writing to the attention of the Rental Assistance Manager within 14 calendar days of the notification to the participant regarding the decision.
- (b) In the cases numbered below (1-4), the participant family may ask for an explanation of the basis of NHHFA's determination and if the family does not agree with the determination, the family may request an informal hearing on the decision.
  - (1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

- (2) A determination of the appropriate utility allowance (if any) for participant paid utilities from the NHHFA utility allowance schedule.
- (3) A determination of the family unit size under NHHFA subsidy standards.
- (4) A determination of minimum total participant payment.

In the cases numbered below (5-7), the participant family may request an informal hearing on the decision.

- (5) A determination to terminate assistance for a participant family because of their action or failure to act.
  - (6) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under NHHFA policy and HUD rules.
  - (7) A determination that an adjustment in participant payment will not be made because the participant is being sanctioned by the Department of Health and Human Services for failure to comply.
- (c) NHHFA and the participant will have the opportunity to present directly relevant evidence and may question any witnesses at the hearing. A participant has the right to a pre-hearing discovery of NHHFA documents, including records and regulations that are directly relevant to the hearing. A participant may inspect all such documents in the NHHFA office and will be supervised by a representative of NHHFA. Copies of any documents will be supplied to the participant at their request. NHHFA has a parallel right to a pre-hearing examination of any evidence the participant may seek to introduce or rely upon at the hearing, which shall be supplied to NHHFA no less than 5 business days before the hearing. Failure by either party to make a document available for pre-hearing discovery by NHHFA may prevent the party from introducing or relying on the document at the hearing. If the participant wishes to call someone as a witness, they must disclose the name or names of each witness no less than 5 business days before the hearing. Individuals not disclosed during the discovery process may be excluded from the hearing process by the hearing officer.
- (d) The hearing will be conducted by an employee of NHHFA, or another qualified person designated by NHHFA. The person conducting the hearing will not be directly involved in the day-to-day operation of the NHHFA Housing Choice Voucher Program. Factual determinations relating to the individual circumstances of the participant shall be based on a preponderance of the evidence presented at the hearing at which NHHFA shall have the burden of proof. After the hearing, NHHFA will notify the participant, in writing, of the decision made by the hearing officer and the grounds for that decision.
- (e) The hearing officer may, at his or her discretion, choose to record the proceedings. If recorded, those attending the hearing will be so advised. The sole purpose of the recording will be to assist the hearing officer in review of the evidence presented at the hearing. No copies of any such recording shall be provided to either party; however, the participant may make their own recording of the hearing. Once a decision is rendered, the NHHFA recording may be destroyed.

- (f) The participant has the right to retain counsel or other representation at his or her own expense. Any such counsel must provide written notice to NHHFA of their intent to represent the participant on or before the deadline given to the participant for discovery. Should the participant be unable to attend the scheduled informal hearing, he or she shall contact NHHFA no less than 24 hours prior to the date and time of the hearing to request a continuance. Alternatively, the participant may authorize in writing, his or her counsel to represent him or her at the hearing without the participant attending. NHHFA will reschedule the hearing only for good cause which shall include rescheduling as a reasonable accommodation for an individual with disabilities.
- (g) Hearings are not open to the public. Hearings may be attended by household members, individuals with direct involvement in the outcome of the informal hearing, individuals approved during the discovery phase, witnesses, legal counsel and NHHFA staff. Any dispute as to whether a person may attend a hearing shall be resolved by the hearing officer.
- (h) If, due to inclement weather, the participant fails to appear or to call, the hearing will be rescheduled at their request. If the participant fails to appear within 15 minutes of the start time of the hearing and fails to call prior to the hearing to reschedule, judgment will be entered for NHHFA. If the participant fails to appear at the rescheduled informal hearing without good cause, another hearing will not be scheduled.

## **18. Owners**

### **18.1 Owner Incentive Fees**

In accordance with HUD Notice 2022-18 HUD permits housing authorities to use its Administrative Fee Reserve fund to support the following activities.

- Security deposit assistance
- Landlord incentives or sign-on bonuses
- Tenant caused damages.

Landlords who rent to an FYI or FUP youth voucher holder will receive a sign-on bonus of \$1,000 for every new FYI or FUP youth lease and Housing Assistance Payments contract.

Landlords can receive more than one bonus. All other landlords who are new to the HCV program will receive \$1,000 for every new unit leased.

The unit must meet Housing Quality Standards and other program requirements. Funds will be disbursed upon tenant move-in and will require a one-year minimum lease and execution of the HAP contract.

### **18.2 Owner Briefing**

- (a) An Owner Handbook is provided to each prospective owner, which outlines the HCV Section 8 program and their responsibilities. Included in this information is the role of the owner, NHHFA and the participant, as well as lease and contract information, and inspection criteria. As part of that briefing, owners are informed that they must:
  - (1) Notify NHHFA of any changes in the amount of rent to the owner at least 60 days before any changes go into effect.
  - (2) Notify NHHFA of any changes in the lease at least 60 days before any change goes into effect.
  - (3) Notify the participant in writing at least 30 days in advance of any changes in rent to owner or changes in the lease in accordance with State law.
- (b) NHHFA policy is to provide prospective owners with the family's current address, current owner's name and address and the name and address of previous owners, when requested. No other information regarding the family's tenancy will be disclosed.

### **18.3 Owner Disqualification**

Owners may be disqualified from participating in the Section 8 Rental Assistance Program for any of the reasons found in 24 CFR 982.306. Those reasons are:

- (a) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C.1437f).
- (b) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- (c) The owner has engaged in any drug-related criminal activity or any violent criminal activity.
- (d) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
- (e) The owner has a history or practice of failing to terminate tenancy of participants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the participant, any member of the household, a guest or another person under the control of any member of the household threatens the right to peaceful enjoyment of the premises by other residents.
  - (1) Threatens the health or safety of other residents, or employees of NHHFA, or of owner employees or other persons engaged in management of the housing.
  - (2) Threatens the health or safety of, or the right to peaceful enjoyment of their residence, by persons residing in the immediate vicinity of the premises.
  - (3) Is involved in drug-related criminal activity or violent criminal activity.
    - a. The owner has a history or practice of renting units that fail to meet State or local housing codes.
    - b. The owner has not paid State or local real estate taxes, fines, or assessments.
    - c. NHHFA will also disapprove an owner if the owner owes NHHFA for overpayments of Housing Assistance and has not made arrangement to pay back the money.

In considering whether to disapprove owners for any of the discretionary reasons listed above, NHHFA will consider any mitigating factors. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health, and safety of participating families, among others. Upon consideration of such circumstances, NHHFA may, on a case-by-case basis, choose to approve an owner

## **18.4 Owner Disapproval Appeal Process**

- (a) If NHHFA denies an owner participation in the Housing Choice Voucher Program the owner must be given notice of the decision in writing.
- (b) The notice must contain a brief statement of the reasons for the decision and how to request an appeal.

- (c) An appeal must be requested in writing to the Managing Director of Assisted Housing within 14 calendar days of the denial.
- (d) The appeal will be conducted by an employee of NHHFA, or another qualified person designated by NHHFA. The person conducting the appeal will not be the person who made the decision or a subordinate of that person.
- (e) The owner will have the opportunity to present objections to the decision in the manner prescribed by NHHFA. All objections must be received within 14 days from the notice of appeal.

Judgment will be based on:

- (a) Whether NHHFA has correctly followed the 24 CFR pertaining to the situation, specifically 24 CFR 982.306.
- (b) Whether NHHFA followed the Administrative Plan policies in 18.2.
- (c) If the person conducting the appeal finds that the decision was correct, the denial is upheld.
- (d) If the person conducting the appeal finds that the decision did not follow the regulation or policy, the denial is reversed and the process for approval may continue.

## **18.5 Conflict of Interest**

- (a) The requirements for compliance with CFR 982.161: Conflict of Interest is stated in NHHFA Code of Conduct, found in the Operations Manual, which was adopted by the Board of Directors. In addition, CRF 982.161 requires the following:
  - (1) Neither NHHFA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure of one year thereafter:
    - a. Any present or former member or officer of NHHFA (except a participant commissioner).
    - b. Any employee of NHHFA, or any contractor, subcontractor, or agent of NHHFA, who formulates policy or who influences decisions with respect to the programs.
    - c. Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs.
    - d. Any member of the Congress of the United States.

Any member of the described in paragraph (a) of this section must disclose their interest or prospective interest to NHHFA and HUD.

The conflict-of-interest prohibition under this section may be waived by the HUD field office for good cause.

- (a) Solicitation or acceptance of gifts or gratuities, in excess of a nominal value, by any officer or employee of NHHFA, or any contractor, subcontractor or agent of NHHFA is prohibited. Specific guidelines are listed in the NHHFA Code of Conduct under Section H. Disciplinary remedies for violation of the code of conduct are listed in the Operations Manual.



## **19. HAP Contracts**

### **19.1 Housing Assistance Payments (HAP) Contract**

- (a) HAP payments can only be made during the lease term, and only while the family is residing in the unit.
- (b) The monthly HAP payment by NHHFA is credited towards the monthly rent to owner under the family's lease. The total of the rent paid by the participant, plus the HAP payment, should be equal to the rent specified in the lease (rent to owner).
- (c) The family is not responsible for payment of the HAP payment, and NHHFA is not responsible for payment of the family share of the rent.
- (d) The family share of the rent cannot be more than the difference between the total rent to the owner and the HAP payment. The owner may not demand or accept any rent payment from the participant in excess of this maximum [24 CFR 982.451(b)(4)].
- (e) If the owner receives any excess HAP from NHHFA, the excess amount must be returned immediately. If it is determined that the owner is not entitled to all or a portion of the HAP, NHHFA may deduct the amount of the overpayment from any amounts due to the owner, including amounts due under any other Section 8 HCV contract.

### **19.2 Owner Certification of Compliance**

- (a) Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract.
- (b) By accepting payment of the monthly amount of HAP from NHHFA, the owner certifies to compliance with the terms of the HAP contract. This includes certification that the owner is maintaining the unit and premises in accordance with HQS; that the contract unit is leased to the participant family and, to the best of the owner's knowledge, the family resides in the unit as the family's only residence; the rent to the owner does not exceed rents charged by the owner for comparable unassisted units on the premises; and that owner does not receive (other than the rent to owner) any additional payments or other considerations for rent of the contract unit during the HAP term.

### **19.3 Termination of the HAP contract**

The HAP Contract states that "The PHA may terminate the HAP Contract if the PHA determines, in accordance with HUD requirements, that available program funding is not sufficient to support continued assistance for families in the program".

In the event of a funding shortfall, NHHFA shall terminate assistance to those families who were most recently admitted to the program (last in-first out) and the following participants will be last to be terminated after all other contracts have been terminated in the following order:

- (a) Project-based voucher participants.
- (b) Homeownership voucher participants.
- (c) HUD requires these to be next to last: VASH participants (PBV and regular).
- (d) HUD requires these to be terminated last: Non-elderly disabled (NED vouchers) made up of CERTAIN, ACCESS, as well as Mainstream participants and FUP families that comprise the required number of families served.

Participants who have been affected by this action will have their name placed back on the waiting list with a preference for “terminated for funding shortfall” (Section 6.3.1).

## **19.4 Change in Ownership/Assignment of the HAP contract**

- (a) The HAP contract cannot be assigned to a new owner without the prior consent of NHHFA.
- (b) NHHFA will execute an assignment of lease and contract if the new owner wishes to continue with the same lease and contract terms as the old previous owner.
- (c) If the new owner does not agree to an assignment of the HAP contract, NHHFA will terminate the HAP contract with the previous owner, unless it is during the initial term of the lease. If the new owner does not agree to an assignment, they may offer the family a new lease and the family may elect to stay with continued assistance.

## **20. Program Integrity**

### **20.1 Enterprise Income Verification (EIV) System**

The purpose of HUD's EIV System is to make integrated income data available from one source, via the Internet, for PHAs to use to improve income verification.

#### **20.1.1 Benefits of the EIV System**

- (a) Increases the efficiency and accuracy of income and rent determinations.
- (b) Reduces incidents of underreported and unreported housing income.
- (c) Removes the barriers to verifying participant reported income.
- (d) Addresses material weaknesses in a PHA's reexamination process and program operations.
- (e) Assures that more eligible families are able to participate in the program.

### **20.2 EIV System Uses and Capabilities**

- (a) Provides wage, unemployment, and Social Security Administration (SSA) benefit information through a data matching process for households covered by a HUD-Form 50058 and maintained in the Public Housing Information Center (PIC) database.
- (b) Allows PHAs to view quarterly wage, employer information, unemployment benefit payments, monthly Social Security and Supplemental Security Income benefits, and Medicare deductions and/or buy-ins for participants within the PHA's jurisdiction.
- (c) Provides income discrepancy reports to identify families who may have substantially underreported household income.

### **20.3 EIV Security Policy**

- (a) NHHFA will use the HUD EIV System Security Procedures for Upfront Income Verification data as guidance in its security procedures.
- (b) The data provided via the EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. The Managing Director of Assisted Housing will have the responsibility of ensuring compliance with the security policies and procedures. These responsibilities include:
  - (1) Maintaining and enforcing the security procedures.
  - (2) Keeping records and monitoring security issues.

- (3) Communicating security information and requirements to appropriate staff, including coordinating, and conducting security awareness training sessions.
  - (4) Conducting a quarterly review of all User IDs issued to determine if the users still have a valid need to access the EIV data and taking the necessary steps to ensure that access rights are revoked or modified as appropriate.
  - (5) Reporting unauthorized access or known security breaches to the PHA Executive Director and taking immediate action to address the impact of the breach including, but not limited to, prompt notification to appropriate authorities including the Managing Director of Assisted Housing, the Executive Director of NHHFA and HUD Field Office's Public Housing Director.
- (c) Access to EIV data is restricted to persons whose duties include or responsibilities require access. NHHFA maintains a copy of the EIV Access Authorization Form for each user who has approved access. All users will sign the EIV Rules of Behavior and User Agreement form. Each will receive a copy of the HUD Security Procedures and is trained in the EIV policies.
- (d) All files, reports or documents containing EIV information is kept in locked drawers.

## 21. *Short Term Assistance*

NHHFA may create a short-term housing assistance program with supportive services in its HCV program.

- The term of assistance will not be shorter than 3 months.
- The term of assistance will not be longer than 36 months.
- The short-term housing assistance program will include supportive services in one or more buildings (which may be in collaboration with local community-based organization and government agencies).
- Subject to availability, successful participants of the short-term housing assistance program will be given the option of transferring into the Housing Choice Voucher program.
- Under no circumstances will participants be required to participate in supportive services that are targeted to persons with disabilities in general, or persons with any specific disability.
- NHHFA will not require participation in supportive services as a condition for housing subsidy for elderly and disabled families.
- If NHHFA requires participation in supportive services as a condition for housing subsidy, an impact analysis will be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.
- If NHHFA requires participation in supportive services as a condition for housing subsidy, a hardship policy will be developed and adopted in accordance with MTW guidance prior to the implementation of the activity.
- The activity will not be extended to the entire HCV program and will only serve specific populations.

## *22. Moving to Work-Asset building cohort*

Under the Asset Building Cohort, NHHFA will implement the Creating Assets through Saving Habits (CASH) Opt-Out Savings Option for 500 participants with NHHFA providing a monthly deposit of \$25 per participant over a 24-month period, as further described below. All HCV households will be eligible, and NHHFA intends to randomly select participants (in consultation with the Asset Building Cohort evaluation team as appropriate). NHHFA will make monthly deposits into each participants escrow or personal savings accounts for 24 consecutive months; however, the funds may not be accessed by the participants until after the first 12 months. All participants will be required to have or obtain a banking account, and NHHFA will connect them with community banking resources.

## 23. *Moving to Work Hardship Policy*

NHHFA is committed to the MTW Statutory Objectives to reduce cost, achieve greater cost effectiveness, give incentives to families who become economically self-sufficient and increase housing choices for eligible low-income families. NHHFA will adopt and implement the following activities listed below to achieve those objectives. The Hardship Policy is in place to determine when a requirement or provision of an MTW activity constitutes a financial or other hardship for the family. Through this process NHHFA will review households' individual circumstances and respond accordingly.

### General Hardship Policies

NHHFA has developed condition-based hardship policies as described below to address and mitigate financial hardships which may occur at enrollment or at any time during program participation. NHHFA's general hardship policies are outlined below:

- NHHFA will review its hardship policies with families during intake and recertification and will consider if a household qualifies for a hardship exemption at the time of a potential termination of assistance that is due to an MTW activity.
- There is no limit to the number of hardships that a household may receive. If a household is approved for a hardship, and subsequently experiences another adverse event while still in hardship status, the household may request an additional hardship.
- Records: NHHFA will retain records of all hardship requests received and the results of these requests and supply them at HUD's request. NHHFA will retain this information for the duration of NHHFA's participation in the MTW demonstration program and make such information available for public review and inspection at NHHFA's principal office during normal business hours.
- Reasonable Accommodations: When needed, NHHFA will modify its policies and procedures to accommodate the needs of a person with disabilities if it will not impose an undue financial or administrative burden or will result in a fundamental alteration in the nature of the program. NHHFA will follow the guidance outlined in its Administrative Plan pertaining to reasonable accommodations for persons with disabilities.

### Hardship Process

Households who request a hardship will be subject to the hardship process outlined below:

- All hardship requests must be made in writing stating both the reason for the hardship and the expected duration.
- Upon submission of a hardship request, NHHFA will request verification of the hardship from the household. The hardship application will be considered complete once the household submits all requested supporting documentation.
- Upon submission of a complete hardship application, NHHFA will suspend the MTW activity for the household, beginning the next month after the request, until NHHFA has made a determination and has notified the household of the outcome of the request.

- All hardship requests will be reviewed by NHHFA's MTW Coordinator and/or other designated staff person, who will consult with the Director of Program Operations as needed.
- NHHFA will make a determination within fifteen (15) business days from the date of the completed hardship application.
- If it is determined that the household meets the hardship standards, NHHFA will notify the household in writing and will provide/continue to provide an exemption from the MTW activity. Approved hardships will remain in place for the time period established according to the activity, at which time the household must reapply for hardship. If the household does not reapply or is not approved for a continued hardship, the rent will be re-calculated according to the pre-hardship conditions.
- If it is determined that the household does not meet the hardship standards, NHHFA will notify the household in writing and will resume the MTW activity. NHHFA may also make referrals to other local resources to assist the household.
- Grievance Procedure: If a hardship request is denied, NHHFA will provide the household with an opportunity to request an informal hearing for a second level review of the denied hardship request, consistent with NHHFA's informal hearing procedures as outlined in the HCV Administrative Plan.

#### Determining Eligibility for Financial Hardship

In order to be approved for a financial hardship the family must meet the following criteria:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance; or
- The family has experienced an increase in expenses, because of changed circumstances, medical costs, childcare, transportation, education, or similar items;
- The family is paying (or is projected to be paying) greater than 40% of monthly adjusted income towards rent and tenant-responsible utilities (based on NHHFA's utility allowance); and
- The change is expected to last longer than sixty (60) days.



## ***24. Equal Opportunity Housing Plan***

### **24.1 Outreach to lower-income families**

#### **(a) Actions to be taken**

- (1) NHHFA publicizes any advertisements needed in administration of the Housing Choice Voucher or Moderate Rehabilitation program in State and local newspapers. The advertisement contains an Equal Housing Opportunity statement and follows the Advertising Guidelines for Fair Housing. Advertisements are geared towards attracting families and property owners to participate in the program.
- (2) NHHFA staff gives presentations of the program at community agencies, welfare directors meetings and mails information as requested.
- (3) NHHFA's website has information on programs available to lower income families.
- (4) NHHFA works to ensure that Limited English Proficiency (LEP) applicants receive information regarding our programs. Vital documents are translated and available in written format as well as on the website.

Other methods to reach individuals not receiving any form of public assistance:

- a. The NHHFA call center provides a way to give information to prospective Section 8 applicants as well as non-subsidized renters. NHHFA provides callers with information pertaining to Federal and State laws concerning discrimination in housing. The discrimination form is mailed if requested.
- b. NHHFA staff maintains visibility in the community by briefing service providers about the Housing Choice Voucher program.

### **24.2 Encouraging participation by owners of units located promoting housing opportunities for families outside areas of low-income and minority concentration**

#### **(a) Actions to be taken**

- (1) Media to be used to notify owners about the program(s):
  - a. NHHFA uses newspapers to publicize new properties developed or funding received from HUD or other sources.
  - b. NHHFA staff communicates with owners to promote the benefits of the programs.
  - c. NHHFA uses the website to publicize available resources to owners.
  - d. NHHFA uses social media such as Facebook, Instagram, Twitter, and blogs to make program information available to the public.
  - e. NHHFA staff has membership in statewide owner and property management

associations to allow networking and outreach to increase owner participation in the program.

- (2) Other methods to promote housing opportunities outside areas of low-income and minority concentration are:
- a. Information on local, State or Federal Fair Housing laws to promote housing opportunities outside minority areas is supported by Federal Fair Housing information posted in public areas of the agency.
  - b. All participants are given a Participant Handbook at the time of briefing, which includes Form HUD-903. A brief explanation of the Fair Housing Laws is included in the text of the handbook.
  - c. A section of the Participant Handbook provides guidance on how to access information on characteristics of neighborhoods including better schools, lower crime, and other job opportunities. Maps showing any poverty or minority concentrations in the state are included in the briefing materials.
  - d. At the time of briefing, voucher holders are given listings of apartments made available by owners who wish to participate in the Housing Choice Voucher program. This list is also available on the website.
  - e. Vouchers may be used in any area of the State of New Hampshire. If the household wishes to move to an area outside our statewide jurisdiction, the portability regulations are used to govern the situation.
  - f. NHHFA works to ensure that Limited English Proficiency (LEP) applicants receive information regarding our programs. Vital documents are translated and available in written format, as well as, on the website.
  - g. NHHFA encourages owner participation in all areas of the state by providing quality customer service and timely response to inquiries.
- (3) NHHFA has identified areas that are considered areas of poverty or minority concentrations in accordance with the Department of Housing and Urban
- a. Development's (HUD) definition: Poverty concentrations have been identified in some census tracts in Nashua, and Manchester.
  - b. One minority concentration has been identified in a census tract in Manchester.
  - c. Maps are provided to participants in their briefing materials and are located on the website.

## **24.3 Process for families who allege they have encountered discrimination during a housing search:**

- (a) Complainants are referred to HUD's office of Fair Housing and Equal Opportunity, New Hampshire Commission of Human Rights, Legal Advice and Referral Center or New Hampshire Legal Assistance.

- (b) Each participant is given instructions on filing a fair housing complaint.
- (c) Each participant is given the toll-free number for the HUD's Housing Discrimination Hotline.
- (d) Each participant is given a copy of the discrimination form.

## **24.4 Promoting employment opportunity in NHHFA's employment practices**

When seeking to fill positions, advertising is done widely in the community. In addition, the position is marketed to all eligible persons, including persons with disabilities and persons with limited English proficiency. Consideration of language needs and inclusion of second language skills in recruitment and hiring is included in NHHFA's Language Access Plan.

- (a) NHHFA utilizes publicizes any advertisements needed in administration of the Housing Choice Voucher or Moderate Rehabilitation program in State (Manchester Union Leader) and local newspapers. in each region of the state. The advertisement contains an Equal Housing Opportunity statement and follows the Advertising Guidelines for Fair Housing. Advertisements are geared towards attracting families and property owners to participate in the program.
- (b) NHHFA will utilize brochures, posters, outreach to community agencies by personal contact and mailings. Staff members perform special group presentations of the program.
- (c) NHHFA's website has information on programs available to lower income families.
  - (1) The NHHFA call center provides a way to give information to prospective Section 8 applicants as well as non-subsidized renters. NHHFA provides callers with information pertaining to Federal and State laws concerning discrimination in housing. The discrimination form is mailed if requested.
  - (2) NHHFA staff maintains visibility in the community by briefing service providers about the Housing Choice Voucher program.
  - (3) NHHFA's outreach efforts include arranging to accept applications and briefing prospective applicants or other service providers (e.g. social security, welfare) about the Housing Choice Voucher Program (see next page). It is also important to obtain visibility by visiting local organizations (e.g. churches, town offices, community centers and specialty groups such as VNA, CAP). NHHFA also assists the NH Commission for Human Rights in providing all renters with information pertaining to Federal and State laws concerning discrimination in housing. In doing so, NHHFA can provide information to prospective Section 8 applicants as well as non-subsidized renters. This also provides NHHFA with an outreach tool for reaching minority tenants. All NHHFA advertising material contains the appropriate Equal Opportunity language.

## **24.5 Promoting housing opportunities for families outside areas of low-income and minority concentration**

- (a) NHHFA will utilize newspapers to publicize new properties developed or funding received from HUD or other sources, as well as publicizing it on the NHHFA website.
- (b) NHHFA staff mails briefing packets to owners to promote the benefits of the programs.
- (c) NHHFA uses the website to publicize available resources to owners.
- (d) NHHFA uses social media such as Facebook, Instagram, Twitter, and blogs to make program information available to the public.
- (e) NHHFA staff conducts presentations of the program at welfare director meetings, landlord association meetings as well as property manager groups.
- (f) Information on local, State or Federal Fair Housing laws to promote housing opportunities outside poverty and minority areas.
- (g) All voucher holders are given a Participant Handbook at the time of briefing, which includes HUD Form-903. A brief explanation of the Fair Housing Laws is included in the text of the Handbook.
- (h) A section of the Participant Handbook provides guidance on how to access information on characteristics of neighborhoods including better schools, lower crime, and other job opportunities.
- (i) At the time of briefing, voucher holders will be given listings of apartments made available by owners who wish to participate in the Section 8 program. This list is also available on the website and therefore available for non-subsidized renters.
- (j) Vouchers may be used within in any area of the State of New Hampshire. in any area. If the household wishes to move to an area outside our statewide jurisdiction, the portability regulations are used to govern the situation. Non-resident applicants must use the subsidy within the NHHFA's jurisdiction for the initial twelve months of assistance.

## ***25. Addendum to Affirmatively Further Fair Housing***

Addendum: for the Family Unification (FUP) NOFA (Notice of Funding Availability)

- (a) NHHFA will identify and ensure certification of FUP eligible families and youths that may be on the waiting list, ensuring that they maintain their original position on the waiting list after certification.
- (b) NHHFA will place all FUP eligible families and youth referred from the state welfare agency on the waiting list in order of first come, first served.
- (c) NHHFA will inform applicants how to file a fair housing complaint including providing them the toll-free number for the Housing Discrimination Hotline, 1-800-669-9777. This will be provided on the cover letter for the application, as well as in the acknowledgement letter, which each applicant receives when placed on the waiting list.

Addendum: For the Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Project-Based Developments NOFA

- (a) NHHFA identified and contacted all non-elderly disabled families that were affected by the preferences, or restricted occupancy to certain units in Certain Developments for occupancy by elderly families only.
- (b) NHHFA will inform applicants how to file a fair housing complaint by providing them the toll-free number for the Housing Discrimination Hotline, 1-800-669-9777. This number will be provided on the cover letter for the application, as well as in the acknowledgement letter, which each applicant receives when placed on the waiting list.

Addendum: for the Non-Elderly Disabled Families NOFA

- (a) NHHFA will affirmatively further fair housing by:
  - (1) Examining its programs or proposed programs.
  - (2) Identifying any impediments to fair housing choice within those programs.
  - (3) Addressing those impediments in a reasonable fashion in view of the resources available.
  - (4) Working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require NHHFA's involvement.
  - (5) Maintaining records reflecting these analyses and actions.
- (b) NHHFA will take proactive steps in addressing accessibility problems for persons with disabilities by:

- (1) Where requested by an individual, helping program applicants when requested and participants gain access to supportive services available within the community, but will not require eligible applicants or participants to accept the supportive services as a condition of continued participation in the program.
  - (2) Not denying other housing opportunities to persons who qualify for a Housing Choice
  - (3) Voucher under this program other housing opportunities, or otherwise restrict access to NHHFA programs to eligible applicants who choose not to participate.
  - (4) Providing housing search assistance.
  - (5) Approving higher rents to owners that provide accessible units with structural modifications for persons with disabilities.
  - (6) Providing technical assistance, through referrals to local fair housing and equal opportunity offices, to owners interested in making reasonable accommodations or units accessible to persons with disabilities.
- (c) NHHFA will inform affected applicants how to file a fair housing complaint by providing them the toll-free number for the Housing Discrimination Hotline, 1-800-669-9777. Persons with hearing or speech impairments will be given the information on how to access this number via TTY by calling the Federal Information Relay Service at 1-800-887-8339.

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