

CHAPTER 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for the County by the **Albemarle County Office of Housing**.

Administration of the Section 8 Program and the functions and responsibilities of the *Housing Agency (HA)* staff shall be in compliance with the **County's** Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations, as well as all Federal, State and local Fair Housing Laws and Regulations.

JURISDICTION

The jurisdiction of the HA is **Albemarle County, Virginia**.

A. MISSION STATEMENT

The mission of the Albemarle County Office of Housing shall be to strive together to continuously increase opportunities for all County citizens to secure and maintain decent, safe, sanitary, accessible, and affordable housing, with special emphasis given to those citizens least able to obtain it. [Adopted April, 1995].

B. LOCAL GOALS [24 CF4 982.1].

PART I

Increase the availability of decent, safe, and affordable housing.

1. HA Goal: Expand upon the area's supply of assisted housing.

OBJECTIVES:

- Identify replacement housing for expiring moderate rehabilitation units:
- Provide replacement vouchers:
- Identify and rehabilitate the County's substandard housing stock [AHC]
- Provide or encourage development of a variety of affordable housing types [AHC]
- Ensure that regulations and the development process support affordable housing [AHC]

2. HA Goal: Improve the quality of assisted housing

OBJECTIVES:

- Improve voucher management: (SEMAP score)
- Increase customer satisfaction:
- Concentrate on efforts to improve office organization and efficiency
- Support regional housing initiatives [AHC]

3. HA Goal: Increase assisted housing choices

OBJECTIVES:

- Provide voucher mobility counseling:
- Conduct outreach efforts to potential voucher landlords:
- Increase voucher payment standards:
- Implement voucher homeownership program:
- Recruit new landlords in traditional non-poverty areas:

4. HA Goal: Provide an improved living environment

OBJECTIVES:

- Implement measures to de-concentrate poverty by assisting Section 8 participant families secure housing outside traditional Section 8 neighborhoods:
- Implement measures to promote income mixing in newly constructed housing by assuring access for lower income families into higher income developments:

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5. HA Goal: Promote self-sufficiency and asset development of assisted households

OBJECTIVES:

- Increase the number and percentage of employed persons in assisted families:
- Provide or attract supportive services to improve assistance recipients' employability:
- Promote services to increase independence among the elderly or families with disabilities.
- Establish Housing education program [AHC]
- Assist families via counseling in transition to market rate housing
- Enroll new Family Unification participants in County's Family Self-Sufficiency program
- Encourage participation in Albemarle HOMEBUYER's Club

6. HA Goal: Ensure equal opportunity and affirmatively further fair housing

OBJECTIVES:

- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, age, familial status, and disability.

PART II

The HA has the following goals for the program:

- ❑ **To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.**
- ❑ **To encourage self-sufficiency of participant families and assist in the expansion of family opportunities, which address educational, socio-economic, recreational and other human services, needs.**
- ❑ **To create positive public awareness and expand the level of family, owner, and community support in accomplishing the HA's mission.**
- ❑ **To attain and maintain a high level of standards and professionalism in the day-to-day management of all office activities**
- ❑ **To administer an efficient, high-performing agency through continuous improvement of HA functions, and commitment to staff development.**
- ❑ **To provide decent, safe, and sanitary housing for very low income families while maintaining their Total Tenant rent Payments (TTP's) at an affordable level.**
- ❑ **To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.**
- ❑ **To promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low income families.**
- ❑ **To promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the number of housing choices for such families.**

C. **PURPOSE OF THE PLAN** [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program is implemented as of 10/1/99; pre-merger Regular Tenancy Contracts, Housing Voucher Contracts, and Over Fair Market Rent Tenancy Contracts will remain in effect until the family's *second reexamination* after the merger date or *whenever a new lease is executed*, whichever comes first.

The HA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be reviewed by the **Housing Committee (AHC)** and authorized by the **County Executive**, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

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Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed \$ 0.00 per occurrence nor more than \$ 0.00 in the aggregate for each fiscal year without the prior approval of the **Albemarle County Board of Supervisors**.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the HA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law.

F. TERMINOLOGY

- The **Albemarle County Office of Housing** is referred to as "**HA**" or "*Housing Agency*" throughout this document.
- "Family" is used interchangeably with "Applicant" or "Participant" and can refer to one or more persons living as one household unit.
- "Tenant" is used to refer to participants in terms of their relation to landlords.
- "Landlord" and "owner" are used interchangeably.
- "Disability" is used where "handicap" was formerly used.
- "Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.
- The Section 8 programs are also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Voucher Choice program refers to the merged program effective as of 8/12/99.
- "HQS" means the Housing Quality Standards required by regulations as enhanced by the **HA**.
- "Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.
- "Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher program into the Housing Choice Voucher Program.

See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Agency to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The HA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial status, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, the HA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk.

All Housing Agency staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Agency office/s, including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

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Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the HA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the HA's office in such a manner as to be easily readable from a wheelchair.

The **Albemarle Office of Housing** is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the Virginia Relay Center by dialing **711**.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

It is the policy of this HA to be service-directed in the administration of its housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the HA will treat a person differently than anyone else. The HA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on HA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the HA, when the HA initiates contact with a family including when a family applies, and when the HA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such an impairment

Note: This is not the same as the HUD definition used for purposes of determining allowances.

- Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403(a), individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.
- Once the person's status as a qualified person with a disability is confirmed, the HA will require that a third party professional competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.
- If the HA finds that the requested accommodation creates an undue administrative or financial burden, the HA will either deny the request and/or present an alternate accommodation that will still meet the need of the person.
- An undue administrative burden is one that requires a fundamental alteration of the essential functions of the HA (i.e., waiving a family obligation).
- An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the HA.
- The HA will provide a written decision to the person requesting the accommodation within a **reasonable time**. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the HA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability. All HA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

I. VERIFICATION OF DISABILITY

The HA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

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J. APPLYING FOR ADMISSION

All persons who wish to apply for any of the HA's programs must submit a pre-application **via written format**, as indicated in our public notice. Applications will be made available in an accessible format, including but not limited to accommodations to persons with visual and/or reading impairment, upon request.

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application is completed at the eligibility appointment in the applicant's own handwriting, unless assistance is needed, or a request for accommodation is requested by a person with a disability. Applicants will then be interviewed by HA staff to review the information on the full application form. Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applications whether reasonable accommodations are necessary.

K. TRANSLATION OF DOCUMENTS

In determining whether it is feasible to provide translation of documents written in English into other languages, the HA will consider the following factors:

- Number of applicants and participants in the jurisdiction who do not speak English and speak the other language.
- The availability of local organizations to provide translation services to non-English speaking families.

L. MANAGEMENT ASSESSMENT OBJECTIVES

The HA will strive to operate its housing assistance program efficiently and in a manner that provides continued improvement. The HA policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

- Selection from the Waiting List
- Reasonable Rent
- Determination of Adjusted Income
- Utility Allowance Schedule
- HQS Quality Control Inspections
- HQS Enforcement
- Expanding Housing Opportunities
- FMR/exception rent & Payment Standards
- Annual Re-examinations
- Correct Tenant Rent Calculations
- Annual HQS Inspections
- Lease-up
- Family Self-Sufficiency Enrollment and Escrow Account Balances

Supervisory quality control reviews will be performed by the Rental Assistance Coordinator or qualified individual other than the person who performed the work, as required by HUD, on the following SEMAP factors:

- Selection from the waiting list
- Rent reasonableness
- Determination of adjusted income
- HQS Enforcement
- HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail. The minimum sample size to be reviewed will relate directly to each factor.

M. RECORDS FOR MONITORING HA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the HA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the HA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

In addition to the required SEMAP documentation, supervisory staff audits the following functions:

Not less than **10%** of reexaminations

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Not less than **10%** of new applications
Not less than **10%** of claims processed

N. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/HA will release family information.

The HA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Rental Assistance Coordinator.

The HA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff.

HA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information, or improper disclosure of family information by staff will result in disciplinary action.

O. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

The HA will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the HA's waiting list is open, the HA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means.

The HA may also distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel.

The HA will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

P. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

- The HA makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.
- The HA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.
- The HA conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.
- The staff of the HA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.
- Printed material is offered to acquaint owners and managers with the opportunities available under the program.
- The HA will actively recruit property owners with property located outside areas of minority and poverty concentration and apply for exception payment standards if the HA determines it is necessary to make the program more accessible in the HA's jurisdiction.

The HA shall periodically:

- Develop working relationships with owners and real estate broker associations.
- Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displacements.
- Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.