

**CHAPTER 1**  
**POLICIES AND OBJECTIVES**

**1.0 INTRODUCTION**

The Housing Choice Voucher (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”). The Section 8 rental assistance programs are federally funded and administered for the City of San Jose and County of Santa Clara by the Santa Clara County Housing Authority.

In January 2008, the U.S. Department of Housing and Urban Development (HUD) signed a 10-year Moving to Work (MTW) agreement with the Santa Clara County Housing Authority. This demonstration program offers public housing authorities the opportunity to design and test innovative housing and self-sufficiency strategies for low-income families by allowing exemptions from certain public housing rules. A copy of the Housing Authority’s (HA’s) MTW Annual Plan can be found on the HA’s website at [www.scchousingauthority.org](http://www.scchousingauthority.org).

**1.1 OVERVIEW AND PURPOSE OF THE PLAN**

**24 CFR 982.54 (a): “The PHA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of commissioners or other authorized PHA officials. The administrative plan states PHA policy on matters for which the PHA has discretion to establish.”**

**Policy:**

This Administrative Plan defines the HA’s policies for operation of its housing programs. The HA is responsible for complying with all Department of Housing and Urban Development’s (HUD) Section 8 Regulations, unless the HA establishes an alternative policy authorized by its HUD-approved MTW plan.

Where no MTW policy or HA policy exists, then Section 8 rules and regulations apply.

**1.2 HOUSING AUTHORITY PROGRAMS**

**24 CFR 982.54 (c): “The PHA must administer the program in accordance with the PHA administrative plan.”**

**Policy:**

The HA’s Administrative Plan is applicable to the following programs:

<p><b><u>MTW Programs:</u></b>  Housing Choice Voucher  Project-Based Voucher  Family Unification Program (FUP) Vouchers  Non-Elderly Disabled (NED) Vouchers  Veterans Affairs Supportive Housing (VASH) Vouchers*  Tenant Protection Vouchers, including Enhanced Vouchers*  * Not all MTW flexibilities/activities can be applied to these vouchers.</p> <p><b><u>Non-MTW Programs:</u></b>  Moderate Rehabilitation  Mainstream Vouchers</p>
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**1.3 MAXIMUM VOUCHER UTILIZATION RATE**

**Moving to Work Agreement, Section II. D.: “The Agency shall (ii) assist substantially the same total number of eligible low-income families under MTW as would have been served absent the demonstration”.**

<p><b>Policy:</b></p> <p>The HA will issue MTW Housing Choice and Project Based Vouchers as necessary to increase or maintain its voucher utilization to a maximum level of 95% of SCCHA’s cumulative appropriated calendar year Housing Assistance Payment (HAP) funding.</p>
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**1.4 CODE OF CONDUCT**

**24 CFR 982.161 (a): “Neither the PHA 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 or for one year thereafter:**

**Any present or former member or officer of the PHA (except a participant commissioner)...”**

<p><b>Policy:</b></p> <p>The HA requires compliance with HUD regulation 24 CFR 982.161 and the State of California Conflict of Interest Code.</p> <p>HA employees, officers, agents, contractors or subcontractors may not solicit or accept any gifts or gratuities from any HA-related business source.</p> <p>HA employees must sign a Conflict of Interest Procedure and Declaration annually.</p> <p>Violations of the Conflict of Interest policies will result in appropriate, progressive disciplinary action.</p>
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## 1.5 AFFIRMATIVELY FURTHERING FAIR HOUSING

**24 CFR 100.5 (a): “It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. No person shall be subjected to discrimination because of race, color, religion, sex, handicap, familial status or national origin in the sale, rental or advertising of dwellings, in the provision of brokerage services, or in the availability of residential real estate-related transactions.”**

**24 CFR 5.105 (2) “A determination of eligibility for housing that is assisted by HUD or subject to mortgage insured by the Federal Housing Administration shall be made in accordance with the eligibility requirements provided for such program by HUD, and such housing shall be made available without regard to actual or perceived sexual orientation, gender identity, or marital status.”**

**24 CFR 982.53 (b) (2): “The PHA will affirmatively further fair housing in the administration of the program.”**

### **Policy:**

The HA takes the following reasonable steps to affirmatively further fair housing:

The Housing Authority complies 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 will not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of ancestry, color, disability, familial or marital status, national origin, race, religion, gender, gender identity, sex, sexual orientation or source of income.

All Housing Authority staff will be required to attend fair housing training and be 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 Authority office/s, including in the lobby and interview areas and the equal opportunity logo will be used on all outreach materials.

The HA provides information in its briefing package and at the HA lobby front desk on the fair housing rights of HCV participants, such as the HUD pamphlet and complaint form “Are You a Victim of Housing Discrimination?” and provides information on where a discrimination complaint may be filed, including the address, telephone number and TTY number of HUD’s local fair housing office, the national Fair Housing Complaint Hotline and the Federal Information Relay Service.

The HA provides information in its briefing package and at the HA lobby front desk on the contact information for local organizations that provide legal advice for persons who may

be the victim of housing discrimination.

The HA provides individual oral briefings for persons with disabilities when requested which includes a review of the fair housing material in the briefing package.

The HA provides fair housing material in alternative formats for participants with disabilities upon request.

The HA provides assistance with completing and filing a fair housing complaint upon request.

The HA has written procedures to ensure that persons with disabilities have equal access to the HA's programs.

The HA conducts ongoing outreach (and targeted outreach prior to opening its waiting list) to agencies that serve persons with disabilities, including independent living centers, veterans services centers and community agencies that provide supportive services for persons with disabilities.

The HA provides participants with lists of accessible units that may be rented with a Housing Choice Voucher.

The HA has procedures in place to extend and suspend housing search time for persons with disabilities when necessary.

The HA has procedures in place that address requests for reasonable accommodations for persons with disabilities.

The HA has procedures in place to advise program applicants and participants of the availability of reasonable accommodations to remove barriers to program participation.

The HA has procedures in place that will provide exceptions to the HCV payment standards as a reasonable accommodation.

The HA has procedures in place that will allow the addition of an extra bedroom as a reasonable accommodation.

The HA has procedures in place that will allow the addition of a live in aide as a reasonable accommodation.

The HA has procedures in place that will provide program applicants and participants the opportunity to complete the HUD Form 92006 (Supplement to the Application for Federally Assisted Housing) which names an alternate person for the HA to contact when issues arise.

The HA has a designated Section 504 Coordinator and program applicants and participants are provided the Section 504 Coordinator contact information.

The HA maintains ongoing relationships with agencies that serve persons with disabilities and provides a list of those agencies to clients in need.

## 1.6 **ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)**

**Executive Order 13166 “Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.”**

### **Policy:**

The HA will take affirmative steps to ensure that all persons with limited English proficiency have equal access to the program. A person with limited English Proficiency (LEP) is a person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English.

Translation services will be provided by certified bilingual staff. When bilingual staff are not available, the HA will contract with outside translation services at no cost to the families.

Where LEP persons desire, they will be permitted to use at their own expense, a translator of their own choosing. The family-provided translator may be in place of or as a supplement to the free language services offered by the HA. The translator may be a family member or friend at least 18 years of age.

In cases of an informal review or hearing, the HA will use HA staff or outside translation services.

The HA will also provide written translation of vital documents for each eligible LEP language group as determined by the HA.

Reasonable efforts will be made to inform families of the free language services such as posting multilingual signs in the front lobby, updating the website, and notifying families of the services during the family briefing sessions.

## 1.7 **PROGRAM ACCESSIBILITY FOR PERSONS WITH DISABILITIES**

**24 CFR Part 8.6: “The recipient shall take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public.”**

### **Policy:**

Accessibility for the hearing impaired is provided by the TTD/TTY (Text telephone display/teletype) telephone service and California Relay Service.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request.

When requested in public meetings, presentations or in meetings with HA staff, one-on-one assistance with alternate forms of communication will be provided. Examples of alternative forms of communication are sign language interpretation; having material or presentation slides explained orally by staff; or having a third party representative (a friend, relative or advocate) receive, interpret and explain housing materials and be present at all meetings.

## 1.8 **REASONABLE ACCOMMODATIONS POLICY**

**24 CFR 8.11: “A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant with handicaps or employee with handicaps, unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.”**

### **Policy:**

The HA’s policies are designed to provide assurances that persons with disabilities will be given a reasonable accommodation, upon request, so that they may fully access and use the housing program and related services.

The right to request a reasonable accommodation 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.

Housing programs applicants and participants will be notified of their right to request an accommodation in certain HA forms and letters, such as initial application and reexamination forms and appointment letters.

An applicant or participant who has a disability must meet the essential obligations of the Assisted Housing Program and the lease with the owner. All applicants and participants must be able to pay rent, care for their unit, report required information to the Housing Authority and refrain from disturbing neighbors. The applicant or participant may meet these obligations independently or with assistance from another person or agency.

An applicant or participant with a disability or a person acting on their behalf, must first make a written or verbal request 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.

To be eligible to receive a reasonable accommodation, the applicant or participant must be classified as a person with a disability using the following 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.

Requests for reasonable accommodations will be assessed on a case-by-case basis. If the HA finds that the requested accommodation creates an undue administrative or financial burden, the HA will present an alternate accommodation that will still meet the need of the person. If no alternate accommodation exists, the HA may deny the request.

The HA will provide a written decision to the person requesting the accommodation within 30 days. 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.

### 1.9 **VIOLENCE AGAINST WOMEN ACT (VAWA)**

**Public and Indian Housing Notice 2006-23: "...VAWA prohibits the eviction of, and removal of assistance from, certain persons living in public or Section 8-assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925)."**

### 1.10 **MEDICAL MARIJUANA**

**PIH Memorandum, 2-10-2011:Medical Marijuana Use in Public Housing and Housing Choice Voucher Programs- "PHAs in states that have enacted laws legalizing the use of medical marijuana must therefore establish a standard and adopt written policy regarding whether or not to allow continued occupancy or assistance for residents who are medical marijuana users. The decision of whether or not to allow continued occupancy or assistance to medical marijuana users is the responsibility of PHAs, not of the Department."**

#### **Policy:**

Because some use of medical marijuana is legal under California law, the HA will not deny or terminate assistance solely for the use of medical marijuana. However, the HA may deny or terminate assistance for serious lease violations or criminal convictions that may involve marijuana cultivation, manufacture, possession or sale (see Chapter 12, section 12.2 of the Administrative Plan).

### 1.11 **RECORD RETENTION**

**24 CFR 982.158 (e): "During the term of each assisted lease, and for at least three years thereafter, the PHA must keep: (1) A copy of the executed lease; (2) The HAP contract; and (3) The application from the family.**

**24 CFR 982.158 (f): "The PHA must keep the following records for at least three years: (1) Records that provide income, racial, ethnic, gender and disability status data on program applicants and participants; (2) An application from each ineligible**

family and notice that the applicant is not eligible; (3) HUD-required reports; (4) Unit inspection reports; (5) Lead-based paint records as required by part 35, subpart B of this title; (6) Accounts and other records supporting PHA budget and financial statements for the program; (7) Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and (8) Other records specified by HUD.”

**Policy:**

In 1999, the HA, with HUD approval, established a Document Management System for the conversion of program participants’ hard copy files to electronic files. The electronic files contain all required documentation in compliance with program requirements.

## 1.12 PRIVACY RIGHTS

**5 U.S.C. 552a: (b) “No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be:**

- (1) to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties;**
- (2) required under section 552 of this title;**
- (3) for a routine use as defined in subsection (a)(7) of this section and described under subsection (e)(4)(D) of this section;**
- (4) to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13;**
- (5) to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;**
- (6) to the National Archives and Records Administration as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value;**
- (7) to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;**
- (8) to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;**
- (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;**
- (10) to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;**

- (11) pursuant to the order of a court of competent jurisdiction; or  
(12) to a consumer reporting agency in accordance with section 3711(e) of Title 31.”**

**Policy:**

The HA will adhere to federal, state and local laws with regard to the release of information to outside parties about program applicants, participants and property owners.