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INCORPORATED  
**VILLAGE OF PATCHOGUE**  
COMMUNITY DEVELOPMENT AGENCY

The Village of Patchogue Community Development Agency (CDA) is a Public Housing Agency (PHA) administering the Section 8 Housing Choice Voucher Program (HCV) funded through the federal Department of Housing and Urban Development (HUD). HUD requires the PHA to adopt an Administrative Plan to establish policies for carrying out the program in a manner consistent with HUD requirements and local goals and objectives. The Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in accordance with federal laws and regulations.

**Public Hearing and Comment:**

The Patchogue CDA is proposing changes to policy for its Administrative Plan. The changes are subject to a public hearing set for April 2<sup>nd</sup> at 5:30 pm at the Patchogue Village Hall, 14 Baker Street, Patchogue, NY 11772. Comments will also be accepted in writing delivered to the CDA by mail; by fax to 631-475-8903; or by e-mail to [mrusso@patchoguevillage.org](mailto:mrusso@patchoguevillage.org). A full copy of the Administrative Plan is available for review at the offices of the CDA at 14 Baker Street, Patchogue, New York during regular business hours and is posted online at <http://www.patchoguevillage.org/cda%20minutes.html>

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*The Patchogue CDA complies with the Fair Housing Act and provides reasonable accommodations to persons with disabilities.*

*El CDA proporcionará traducción o interpretación para las personas con una habilidad limitada en Inglés . Por favor comunicarse con la Sra Maldonado en 631-475-4300 ext . 125 .*

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VILLAGE OF PATCHOGUE CDA - HOUSING CHOICE VOUCHER  
ADMINISTRATIVE PLAN - 2015

CHANGES TO PROGRAM POLICY

CHAPTER 4 – APPLICATIONS, WAITING LIST AND TENANT SELECTION

4-I.B. APPLYING FOR ASSISTANCE

Current Policy:

Depending upon the length of time that applicants may need to wait to receive assistance, the PHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, the PHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms from the PHA's office during normal business hours. Families may also request – by telephone or by mail – that a form be sent to the family via first class mail.

Completed applications must be returned to the PHA by mail, by fax, or submitted in person during normal business hours. Applications must be complete in order to be accepted by the PHA for processing. If an application is incomplete, the PHA will notify the family of the additional information required.

New Policy

Applications will only be available when the waiting list is open. The PHA will open its waiting list when it determines there are an insufficient number of applicants on its waiting list. The PHA will follow the procedures for opening and closing the waiting list set forth in Section 4-II.C. of this plan.

A two-step process will be used for the applications process. Under the two-step application process, the PHA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms online at the PHA's website and from the PHA's office during normal business hours. Families may also request – by telephone or by mail – that an application be mailed to them via first class mail.

Completed applications must be returned to the PHA by mail post-marked during the applications period designated by the PHA. Applications must be complete in order to be accepted by the PHA for processing. If an application is incomplete, the PHA will notify the family of the additional information required.

#### **4-III.C. SELECTION METHOD – PREFERENCES:**

##### Current Policy:

The PHA will assign preferences to the following:

- Families who live, work or are hired to work in the Incorporated Village of Patchogue;
- Families that include a person with disabilities;
- Families where the head, spouse, or sole member is employed.

If an applicant makes a false statement in order to qualify for a local preference, PHA will deny the family admission to the program.

A family who has been denied assistance or terminated from the program due to a program violation may not apply for preference status for a period of one year from the date of denial or termination.

##### New Policy

The PHA will offer a preference to families who live, work or are hired to work within the jurisdictional boundaries of the Incorporated Village of Patchogue.

If an applicant makes a false statement in order to qualify for a local preference, PHA will deny the family admission to the program.

#### **4-III.C. SELECTION METHOD**

##### **Order of Selection:**

##### Current Policy:

The PHA will use a lottery system to select families for its HCV waiting list. The PHA will pre-determine the total number of applicants it needs to select in order to maintain a 60 month (five-year) waiting list. During the wait list opening period, all completed pre-applications received by the deadline will be entered in the lottery and will randomly assigned a record number. The resulting record number will determine which applicants will be placed on the waiting list and their placement on the list, with record #1 as the first placement. If the number of applications received is more than the PHA's pre-determined number, PHA will only accept applications starting with record #1, in ascending numerical order, up to the pre-determined total number of applicants it needs for a 60 month waiting list. Applicants who are selected to be placed on the waiting list will be served in the order according to the PHA's local preferences for which they qualify. Among applicants with equal preference status, the record number will be used as tiebreakers.

### New Policy:

The PHA will use a lottery system to select families for its HCV waiting list.

The PHA will pre-determine the total number of applicants it needs to select in order to maintain a 60 month (five-year) waiting list. During the wait list opening period, all completed pre-applications received by the deadline will be entered in the lottery.

From the total applications received the PHA will randomly select the predetermined total number of applicants.

Once that number is reached, all remaining applications will be returned unopened to the applicant with notice they have not been placed on the waiting list.

The order of the waiting list will be determined as follows:

1. The selected applicants will be entered into the program management software waiting list database including any preference for which they are eligible.
2. The program management software will be utilized to randomly order the applications assigning a number.
3. The applications will be served in the order assigned by the program management software.

## **CHAPTER 9 – GENERAL LEASING POLICIES**

### **9-1.A. TENANT SCREENING**

#### Current Policy:

The PHA will not screen applicants for family behavior or suitability for tenancy.

The PHA will not provide additional screening information to the owner.

## New Policy

The PHA will not screen applicants for family behavior or suitability for tenancy.

The PHA will not provide to the owner or owner's agent upon request additional screening information in the PHA's possession on the following topics:

1. HQS compliance or violation by the family obtained through HQS inspection records.
2. Drug trafficking by family members.

## **CHAPTER 10 – MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY**

### 10-II.B. INITIAL PHA ROLE

#### Allowable Moves under Portability

#### Current Policy with Proposed Change Underlined:

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the PHA's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least 12 months before requesting portability.

The PHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking; or if after reasonable attempts to locate a unit within the initial PHA's jurisdiction within 60 days of the voucher issuance the household has been unsuccessful they may request in writing an exception. However, any exception to this policy is subject to the approval of the receiving PHA [24 CFR 982.353(c)(3)].

## **CHAPTER 12 – TERMINATION OF ASSISTANCE AND TENANCY**

### 12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Insufficient Funding (pg 12-7) (Note: It is very unlikely insufficient will occur, however HUD encourages PHA's to have a plan in place in the event it must terminate HAP contracts due to insufficient funds).

#### Current Policy:

The PHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority.

If the PHA must terminate HAP contracts due to insufficient funding, the PHA will do so in accordance with the following criteria and instructions:

*The PHA will utilize a "last in first out" method, whereas the HAP contracts for the families that were most recently admitted to the PHA program from the waiting list will be terminated first, unless the family Head, cohead or spouse is an elderly family or has a disability as defined herein.*

*The family and owner shall be given at least 30 days advance written notice.*

### New Policy:

The PHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs.

If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority.

If the PHA must terminate HAP contracts due to insufficient funding, the PHA will do so in accordance with the following criteria and instructions:

The PHA will terminate HAP contracts starting with Category 1 families. The PHA will only move to the next category when there are no families remaining in the current category and more HAP contract terminations are necessary.

Category 1: Families who have committed fraud or abuse and who owe the PHA money within this group the PHA will terminate HAP contracts according to the date the PHA first notified the family of the debt, starting with the most recent. If more than one family received notice on the same day, the PHA will rank the notices for that date using a random method.

First, The PHA will terminate families who owe the PHA money but are not yet under a repayment agreement,

Second, The PHA will terminate families who owe the PHA money, are under a repayment agreement, but have made at least one late payment.

Third, the PHA will terminate families who are under a repayment agreement, and have made all payments in accordance with the repayment agreement.

Category 2: All other participant families.

Within each group below, the PHA will terminate HAP contracts on a first in, first out basis terminate families according to the date of the families admission to the program, starting with those who have been receiving assistance the longest. If more than one family was admitted to the program on the same day, the PHA will determine the order of termination using a random method.

First, the PHA will terminate non-elderly, non-disabled single member families.

Second, the PHA will terminate non-elderly, non-disabled families with no children under the age of 18.

Third, the PHA will terminate non-elderly, non-disabled families with children under the age of 18.

Fourth, the PHA will terminate elderly and disabled families.

The family and owner will be given at least 30 days advance written notice.

## CHAPTER 13 – OWNERS

### Section 13-II.G. FORECLOSURE added

#### 13-II.G. FORECLOSURE [HUD-52641 and Notice PIH 2010-49]

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). Specifically, the HAP contract now contains language stating that in the case of any foreclosure, the immediate successor in interest in the property pursuant to the foreclosure will assume such interest subject to the lease between the prior owner and the tenant, and to the HAP contract between the prior owner and the PHA for the occupied unit. This provision of the HAP contract does not affect any state or local law that provides longer time periods or other additional protections for tenants.

If the PHA learns that a property is in foreclosure, it must take the following actions:

- Make all reasonable efforts to determine the status of the foreclosure and ownership of the property. (Further guidance on how to obtain this information can be found in Notice PIH 2010-49.)
- Continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.
- Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for owner information, such as a tax identification number, and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.
- Inform the tenant that they must continue to pay rent in accordance with the lease, and if the successor in interest refuses to accept payment or cannot be identified, the tenant

should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

- Inform the tenant in the event that the PHA is unable to make HAP payments to the successor in interest due an action or inaction by the successor that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the successor. The PHA should also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.
- Make reasonable inquiries to determine whether the unit, in addition to having a tenant receiving HCV assistance, will be or has been assisted under the Neighborhood Stabilization Program (NSP). (For further guidance on cases in where the units have been assisted under the NSP, see Notice PIH 2010-49.)

PHAs are also required to notify HCV applicants who have been issued a voucher, participant heads of household, and current and prospective owners of HCV-assisted housing of the protections afforded to tenants under the PTFA.

PHA Policy

The PHA will provide all HCV applicants that have been issued a voucher with information regarding the PTFA at admission (see Section 5-I.B) and to participant heads of household at annual reexamination.

The PHA will provide information regarding the PTFA to prospective owners when they begin their participation in the HCV program, and to current HCV owners one time with the monthly HAP.

Note that the foreclosure provision of the HAP contract and additional tenant protections under the Protecting Tenants at Foreclosure Act will sunset December 31, 2014. See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.

## **CHAPTER 14 – PROGRAM INTEGRITY**

### **14-I.B. Detecting Errors and Program Abuse:**

#### The Current Policy with changes underlined:

In addition to the SEMAP quality control requirements, the PHA will employ a variety of methods to detect errors and program abuse.

The PHA routinely will use HUD and other non-HUD sources of up-front income verification. This includes The Work Number and any other private or public databases available to the PHA.

At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.

The PHA will compare family-reported income and expenditures to detect possible unreported income.

The PHA will obtain credit reports for adult family members upon admission to the program and at annual reexamination for families with zero income.

The Administrative Plan has also been revised to include e-mail as an acceptable means of communication and has added the term “sexual assault” to sections regarding the Violence Against Women’s Act (VAWA) to conform to federal statutory language.