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EQUAL HOUSING OPPORTUNITY

FAMILY HANDBOOK

A Guide for Families Participating in the Housing Choice Voucher Program

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How the Housing Choice Voucher Program Works

The Section 8 Housing Choice Voucher (HCV) Program is federally funded and Administered locally by housing authorities. The rules and regulations are determined by the U.S. Department of Housing and Urban Development (HUD) as approved by the U.S. Congress.

The program provides rental assistance that is paid directly to landlords on behalf of low-income families residing in approved rental units.

Once a family is determined eligible for assistance and receives a Housing Choice Voucher (voucher), the family must find an acceptable rental unit. After a rental unit is selected, the family and the landlord complete and return the paperwork provided to the family by the Housing Agency. Then, the Housing Agency must approve the rent, approve the owner, approve the location, inspect and approve the unit, and sign a contract with the landlord. Finally, the family must sign a lease with the landlord with the same terms and conditions as the contract.

The landlord will collect two payments each month—one from the Housing Agency and the other from the family. The assistance the family receives is based on the family's income, the number of bedrooms on the voucher and in the unit, and the rent and utilities paid by the family.

The family pays a minimum of 30 percent of its monthly-adjusted income for rent and utilities. However, the family may not pay more than 40 percent of its monthly-adjusted income for rent and utilities at the time the unit is initially approved.

To continue to receive assistance, the family must follow the rules of the program. If the family fails to comply with program requirements, such as failing to pay rent for any reason, the family's participation in the program may be terminated and/or the family may be required to repay assistance provided on behalf of the family.

The program provides for family mobility and the family is entitled to transfer its Voucher anywhere in the United States that has a Housing Agency to administer the family's assistance.

A Three-Way Partnership
Within The Housing Choice Voucher Program

The three-way partnership within the HCV Program is between the Housing Agency, the tenant, and the landlord.

RESPONSIBILITIES OF THE HOUSING AGENCY	RESPONSIBILITIES OF THE OWNER	RESPONSIBILITIES OF THE FAMILY
Determine if an applicant is eligible for rental assistance.	Conduct all tenant screening, selection and leasing activities	Provide complete and accurate information to the Housing Agency.
Explain all rules of the program to all qualified members	Comply with the terms of the Housing Assistance Payments Contract and lease	Make a reasonable effort to find a place to live that is suitable and qualifies for the program
Issue a Housing Choice Voucher	Collect from the tenant any security deposit, share of the rent, and charges for tenant damages to the unit	Cooperate in attending all appointments scheduled by the Housing Agency
Approve the unit, the owner, and the lease	Enforce tenant obligations under the lease	Take responsibility for the care of the assisted housing unit
Make housing assistance payments to the owner in a timely manner	Pay for utilities and services (unless paid by the tenant under the lease)	Comply with the terms of the lease with the owner.
Ensure annually that both the family and the unit continue to qualify for the program.	Comply with all Fair Housing laws.	Not engage in criminal activities or violate the lease agreement.
Ensure that owners and families comply with the program rules and the owner complies with the contract	Ensure a safe and secure living environment.	Obtain permission from the Landlord and the housing Agency prior to allowing someone to move in.
Upon request, provide a reasonable accommodation to a disabled family member.	Agree to allow reasonable modifications for a disabled tenant at the disabled tenant's expense.	Never withhold rent for any reason while you are being assisted under the HCV Program.

Reporting Requirements

You're Responsibilities. An important responsibility is to always keep the Housing Agency up-to-date on your household status. In other words, the Housing Agency must be notified whenever there is a change in your household income, composition, or assets. **Failure to report a change within 10 days of its occurrence may result in termination of your rental assistance benefits and/or repayment of housing assistance payments**.

When in doubt, call your housing representative!!

Reporting Procedures

You must report changes ***in writing*** to your housing representative at the Housing Agency office located at 4444 Rice Street, Suite 330, Lihue, HI 96766. The information will be reviewed and you will be notified if more information is needed or if there are any changes to your assistance.

Changes in income include, but are not limited to:	Changes in household composition include, but are not limited to:	Changes in assets include, but are not limited to:
☑ New job (even if it's a second job); ☑ Unemployment; ☑ Temporary or Long Term Disability ☑ Termination of job; ☑ Pay raise or overtime pay; ☑ Child or spousal support; ☑ Pension, SSA, SSI, & Welfare; ☑ Any lump-sum payments; ☑ Regular payment of bills or other expenses by someone not living in the assisted household; ☑ Regular monetary or non-monetary gifts by someone not living in the assisted household; ☑ Business Income	☑ New baby; ☑ A death in the family; ☑ Any person who lives with you (sleeps, eats, bathes in your unit) must be reported. A guest must have another residence and is limited on the number of days per year s/he can stay with you; ☑ Any person who moves out of your unit; ☑ Additions to your Household (you must always obtain your landlord's and the Housing Agency's approval before someone moves in).	☑ New bank accounts; ☑ Stocks, bonds, or certificates of deposit; ☑ Inheritance; ☑ Insurance settlement; ☑ Life insurance with a cash value; ☑ Annuities; ☑ Lottery or gambling winnings. ☑ Full or partial ownership of any real estate

Family Obligations

- **Pay your portion of the rent and utility bills on time;**
- **Provide and maintain appliances as agreed to on the lease;**
- **Maintain the dwelling in the best possible condition;**
- **Repair any damages caused by your household within thirty (30) days or, in the event the damage is life-threatening, within twenty-four (24) hours. Damages beyond normal wear and tear caused by any member of your household or any of your guests are your responsibility**

Housing Choice Voucher Program Family Obligations

Department of Housing and Urban Development regulations for the Housing Choice Voucher Program permits the Kaua‘i County Housing Agency (“KCHA”) to terminate assistance for participants in these programs if any household members or guests do not abide by the following family obligations once the initial unit is approved and the HAP contract has been executed.

A. FAMILY OBLIGATIONS (24 CFR 982.551 & LOCAL PHA POLICIES)

1. The family must supply any information that the Public Housing Agency (PHA) or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.

2. The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.

3. The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.

4. Any information supplied by the family must be true and complete.

5. The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

6. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

7. The family must not commit any serious or repeated violation of the lease. The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner’s notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge. Serious and repeated lease violations will include, but not be limited to:
   a. Nonpayment of rent,
   b. Disturbance of neighbors,
   c. Destruction of property,
   d. Living or housekeeping habits that cause damage to the unit or premises, and
   e. Criminal activity.

   Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

8. The family must notify the PHA and the owner in writing before moving out of the unit or terminating the lease.

9. The family must promptly give the PHA a copy of any owner eviction notice.

10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

11. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The PHA will determine eligibility of the new member in accordance with the policies in its Administrative Plan.

12. The family must promptly notify the PHA in writing if any family member no longer lives in the unit.

13. If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied.

14. The family must not sublease the unit, assign the lease, or transfer the unit.

15. The family must supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.

16. The family must promptly notify the PHA when the family is absent from the unit for more than 30 calendar days.

17. The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.

18. The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).

19. Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

20. Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

21. Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.

22. An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.

23. A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless

the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

24. An assisted family must promptly report any changes in family size, income, mailing address and contact information in writing within 10 calendar days.

B. MANDATORY TERMINATION OF ASSISTANCE

HUD requires the PHA to terminate assistance in the following circumstances:

1. The PHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease [24 CFR 982.552(b)(2)].

2. The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a regular or interim reexamination [24 CFR 982.552(b)(3)].

3. The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit [24 CFR 982.552(b)(4)].

4. The PHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number [24 CFR 5.218(c)].

5. The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing [24 CFR 982.553(b)(1)(ii)].

6. Should a PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the PHA must immediately terminate assistance for the household member (Notice PIH 2012-28).

7. If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the PHA must the terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit [24 CFR 982.552(b)(5) and FR 4/10/06].

8. The PHA must immediately terminate program assistance for deceased single member households [24 CFR 982.311(d) and Notice PIH 2010-9].

C. OTHER AUTHORIZED TERMINATIONS OF ASSISTANCE

HUD permits the PHA to terminate assistance under a number of other circumstances:

1. The family has failed to comply with any family obligations under the program.

2. Any family member has been evicted from federally-assisted housing in the last five years.

3. Any PHA has ever terminated assistance under the program for any member of the family.

4. Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

5. The family currently owes rent or other amounts to any PHA in connection with Section 8 or public housing assistance under the 1937 Act.

6. The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

7. The family has breached the terms of a repayment agreement entered into with the PHA.

8. A family member has engaged in or threatened violent or abusive behavior toward PHA personnel. Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

9. If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated.

10. The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

D. MOVES & PORTABILITY

1. The PHA can prohibit any moves during the first year of assistance.

2. The PHA will limit the family from making more than one elective move during any 12-month period.

3. The family must notify the PHA and the owner before moving to a new unit.

4. The family must give the PHA a written copy of the termination notice at the same time the notice is given to the owner.

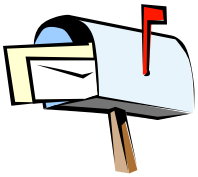
5. The PHA may deny a move if there is insufficient funding available.

6. If neither the head or spouse had a legal residence in the jurisdiction of the PHA at the time of their original application, the family cannot move out of the PHA's jurisdiction under portability for at least 12 months after admission to the program (unless both the PHA and the receiving PHA agree).

7. Families whose initial voucher came from outside the jurisdiction of the PHA are subject to the receiving PHA's income limits.

8. When moving under portability, the family must promptly contact the receiving PHA and comply with their procedures for incoming portable families. The receiving PHA will determine the family unit size.

ATTENTION



- **REGULARLY CHECK YOUR MAIL!!!**
  - If we send something to you by mail, it is your responsibility to pick it up.
  - Not picking up mail will not be an excuse for non-compliance.

- **MAKE SURE WE HAVE A CURRENT PHONE NUMBER OR NUMBER WHERE WE CAN LEAVE A MESSAGE AT ALL TIMES!**
  - You must report changes in phone numbers within ten (10) days of change.

- **KEEP YOUR APPOINTMENTS!**
  - **If you cannot keep your appointments, you must call your caseworker to reschedule. Two missed appointments will result in termination of participation in the program.**

- **DO NOT PAY ANY EXTRA RENT. DO NOT PAY UTILITIES IF THEY ARE INCLUDED IN THE RENT. You can and will be terminated for these violations. If a Landlord asks you for extra money or to pay for a utility that is included, that is Housing Fraud and it should be reported to us immediately.**

- **Report all changes in income or household size within 10 days.**

- **Pay attention to the date on your document checklist given to you at reexamination. You are responsible for having all documents marked on the list into the Housing Agency by the date specified on the checklist at reexaminations.**

- **If you are self-employed you are required to file GE and Annual Taxes and turn in quarterly reports to the housing agency. All reports are due 15 days after the end of each calendar quarter. Failure to do so will result in termination from the program for violation of family obligations – failure to supply information.**

- **Keep your rent and utility payments current. Failure to pay any amounts due to your landlord and maintain working utilities (if required) may result in termination of your participation in the program.**

Grounds for Termination

Grounds for termination include, but are not limited to, violation of any items set forth in this section.

The Housing Agency may deny program assistance for an applicant, or terminate program assistance for a participant, for any of the reasons listed below:

- If the family violates any family obligation;
- If any member of the family has ever been evicted from public housing;
- If any member of the family participates in illegal drug or criminal activity, including sexual offenses;
- If any member of the family commits fraud, bribery, or any other corrupt or criminal acts in connection with any federal housing program;
- If the family currently owes any money to the Housing Agency or another Housing Agency in connection with Housing Choice Voucher or Public Housing Programs;
- If the family breaches an agreement with the Housing Agency to pay amounts owed to a Housing Agency, or amounts paid to an owner by a Housing Agency;
- If the family engaged in, threatened or displayed abusive or violent behavior toward Housing Agency personnel. Abusive includes cussing or intimidating behavior;
- If there are serious or repeated violations of the lease;
- If the family fails to pay or withholds its portion of the rent for any reason.
- If the family causes damages to the unit and they do not reimburse the Landlord for these costs.
- If the family fails to accept or pick up letters regarding termination or other program requirements.

As a Housing Choice Voucher Program participant, you must keep the HUD subsidized unit in a good, clean living condition.

Program Review and Tenant Integrity Program

The Kaua‘i County Housing Agency administers a Program Review and Tenant Integrity Program. The purpose of the program is to assure that public funds are paid on behalf of qualified and eligible participants. Program Review staff investigates suspected program abuse or misconduct.

In addition to conducting investigations into suspected program abuse, conferences are conducted with participants suspected of violating program requirements. These conferences reinforce the housing assistance participants' obligation to comply with program regulations. Program Review staff conducts independent inspections and random audits of housing assistance files. Confirmation and verification of participant information and housing quality standards is obtained by visual inspection of units and file examination.

It is important that you understand that all information provided to the Housing Agency must be true and complete and is subject to additional review by Program Review staff. You should understand the purpose of the Program Review and Tenant Integrity Program and you must agree to cooperate with any required verifications, inspections, and/or conferences. Do not risk losing your Section 8 rental assistance by providing false, incomplete, and/or inaccurate information on your application and recertification forms.

Applying For HUD Housing Assistance?

THINK ABOUT THIS…
IS FRAUD WORTH IT?

Do You Realize…

If you commit fraud to obtain assisted housing from HUD, you could be:

• Evicted from your apartment or house.
• Required to repay all overpaid rental assistance you received.
• Fined up to $10,000.
• Imprisoned for up to five years.
• Prohibited from receiving future assistance.
• Subject to State and local government penalties.

Do You Know…

You are committing fraud if you sign a form knowing that you provided false or misleading information.

The information you provide on housing assistance application and recertification forms will be checked. The local housing agency, HUD, or the Office of Inspector General will check the income and asset information you provide with other Federal, State, or local governments and with private agencies. Certifying false information is fraud.

So Be Careful!

When you fill out your application and yearly recertification for assisted housing from HUD make sure your answers to the questions are accurate and honest. You must include:

All sources of income and changes in income you or any members of your household receive, such as wages, unemployment, welfare payments, social security and veterans' benefits, pensions, retirement, etc.

Any money you receive on behalf of your children, such as child support, AFDC payments, social security for children, etc.

Any increase in income, such as wages from a new job or an expected pay raise or bonus.

All assets, such as bank accounts, savings bonds, certificates of deposit, stocks, real estate, etc., that are owned by you or any member of your household.

All income from assets, such as interest from savings and checking accounts, stock dividends, etc.

Any business or asset (your home) that you sold in the last two years at less than full value.

The names of everyone, adults or children, relatives and non-relatives, who are living with you and make up your household.

Ask Questions

If you don't understand something on the application or recertification forms, always ask questions. It's better to be safe than sorry.

Watch Out for Housing Assistance Scams!

• Don't pay money to have someone fill out housing assistance application and recertification forms for you.
• Don't pay money to move up on a waiting list.
• Don't pay for anything that is not covered by your lease.
• Get a receipt for any money you pay.
• Get a written explanation if you are required to pay for anything other than rent (maintenance or utility charges).

Report Fraud

If you know of anyone who provided false information on a HUD housing assistance application or recertification or if anyone tells you to provide false information, report that person to the HUD Office of Inspector General Hotline. You can call the Hotline toll-free Monday through Friday, from 10:00 a.m. to 4:30 p.m., Eastern Time, at 1-800-347-3735. You can fax information to (202) 708-4829 or e-mail it to Hotline@hudoig.gov. You can write the Hotline at:

HUD OIG Hotline, GFI
451 7th Street, SW
Washington, DC 20410

Informal Hearing Process

If the Housing Agency sends a "Notice of Termination" to you, the notice will contain a brief explanation of the reasons for termination of program participation. You have 10 days from the date of the notice to request an informal hearing if you disagree with the notice. Not picking up your mail does not stop the clock from ticking. You are responsible for your mail and receipt of any notices. Failure to pick up your mail will have no bearing on the amount of time you have to request such a hearing.

You must request an informal hearing in writing and state why you are requesting an informal hearing. At the hearing, you will be given an opportunity to present written or oral objections. The hearing officer will notify you of the final decision and provide a brief explanation for the decision.

You may request an Informal Hearing to discuss any of the following issues:

- A determination of the family's annual or adjusted income and the use of such income to compute the housing assistance payment.

- A determination of the appropriate utility allowance for tenant-paid utilities from the Housing Agency utility allowance schedule.

- A determination of the family unit size under the Housing Agency subsidy standards.

- A determination to terminate assistance for a participant family because of the family's action or failure to act.

- A determination to terminate assistance because the participant family has been absent from the assisted unit for a period of time that is greater than 30 consecutive days.

Annual Activities

Annual Recertification

HUD requires that all families be reviewed annually to determine continued program eligibility and the appropriate amount of assistance. This process is called the annual "recertification." Approximately eight months after you are first approved for assistance, you will receive a recertification letter and packet from the Housing Agency. It is important that you promptly complete and return your packet and all requested information by the deadline. If you fail to return the requested information by the deadline, you will be notified that your assistance will be terminated. It is important that you promptly contact your Housing Agency representative if you receive a notice to terminate benefits.

Annual Inspection

The Housing Agency must inspect your housing unit at least annually. Approximately eight months after you are first approved for assistance, you will be notified by letter or telephone of the date and time of your annual inspection. It is your responsibility to make sure that the head of household or spouse is available to allow the inspector to enter the premises. You must cooperate to avoid an interruption in or termination of your housing assistance. The inspector may not be able to answer questions regarding your case. You should contact your assigned housing representative to report changes in your situation or to ask questions about your case.

Interim Review

Certain changes in your status may require a review by the Housing Agency. A review of your eligibility and the level of your benefits may take place when your household composition or your income changes. In addition, the Housing Agency may review your status when it receives information indicating that you have violated your program obligations.

Enterprise Income Verification System

Income and employment information reported by assisted households is compared to the income and employment information reported to HUD's Enterprise Income Verification (EIV) System. If there is a discrepancy between the income and employment information reported by you to the Housing Agency and the income and employment information reported to HUD's EIV System by employers and agencies providing benefits, the Housing Agency will research the discrepancies and take the appropriate action if it is found that income and employment information was not reported, underreported, or reported late. The action that will be taken as a result of unreported or underreported income may include termination of program participation and/or repayment of overpaid housing assistance benefits.

What You Should Know about the Enterprise Income Verification System (EIV)

A Guide for Applicants & Tenants of Public Housing & Section 8 Programs:

What is EIV?

The Enterprise Income Verification (EIV) system is a web-based computer system that contains employment and income information of individuals who participate in HUD rental assistance programs. All Public Housing Agencies (PHAs) are required to use HUD's EIV system.

What information is in EIV and where does it come from?

HUD obtains information about you from your local PHA, the Social Security Administration (SSA), and U.S. Department of Health and Human Services (HHS). HHS provides HUD with wage and employment information as reported by employers; and unemployment compensation information as reported by the State Workforce Agency (SWA). SSA provides HUD with death, Social Security (SS) and Supplemental Security Income (SSI) information.

What is the EIV information used for?

Primarily, the information is used by PHAs (and management agents hired by PHAs) for the following purposes to:

1. Confirm your name, date of birth (DOB), and Social Security Number (SSN) with SSA.
2. Verify your reported income sources and amounts.
3. Confirm your participation in only one HUD rental assistance program.
4. Confirm if you owe an outstanding debt to any PHA.
5. Confirm any negative status if you moved out of a subsidized unit (in the past) under the Public Housing or Section 8 program.
6. Follow up with you, other adult household members, or your listed emergency contact regarding deceased household members.

EIV will alert your PHA if you or anyone in your household has used a false SSN, failed to report complete and accurate income information, or is receiving rental assistance at another address. Remember, you may receive rental assistance at only one home!

EIV will also alert PHAs if you owe an outstanding debt to any PHA (in any state or U.S. territory) and any negative status when you voluntarily or involuntarily moved out of a subsidized unit under the Public Housing or Section 8 program. This information is used to determine your eligibility for rental assistance at the time of application.

The information in EIV is also used by HUD, HUD's Office of Inspector General (OIG), and auditors to ensure that your family and PHAs comply with HUD rules.

Overall, the purpose of EIV is to identify and prevent fraud within HUD rental assistance programs, so that limited taxpayer's dollars can assist as many eligible families as possible. EIV will help to improve the integrity of HUD rental assistance programs.

Is my consent required in order for information to be obtained about me?

Yes, your consent is required in order for HUD or the PHA to obtain information about you. By law, you are required to sign one or more consent forms. When you sign a form HUD-9886 (Federal Privacy Act Notice and Authorization for Release of Information) or a PHA consent form (which meets HUD standards), you are giving HUD and the PHA your consent for them to obtain information about you for the purpose of determining your eligibility and amount of rental assistance. The information collected about you will be used only to determine your eligibility for the program, unless you consent in writing to authorize additional uses of the information by the PHA.

Note: If you or any of your adult household members refuse to sign a consent form, your request for initial or continued rental assistance may be denied. You may also be terminated from the HUD rental assistance program.

What are my responsibilities?

As a tenant (participant) of a HUD rental assistance program, you and each adult household member must disclose complete and accurate information to the PHA, including full name, SSN, and DOB; income information; and certify that your reported household composition (household members), income, and expense information is true to the best of your knowledge.

Remember, you must notify your PHA if a household member dies or moves out. You must also obtain the PHA's approval to allow additional family members or friends to move in your home prior to them moving in.

What are the penalties for providing false information?

Knowingly providing false, inaccurate, or incomplete information is FRAUD and a CRIME.
If you commit fraud, you and your family may be subject to any of the following penalties:

1. Eviction
2. Termination of assistance
3. Repayment of rent that you should have paid had you reported your income correctly
4. Prohibited from receiving future rental assistance for a period of up to 10 years
5. Prosecution by the local, state, or Federal prosecutor, which may result in you being fined up to $10,000 and/or serving time in jail.

Protect yourself by following HUD reporting requirements. When completing applications and reexaminations, you must include all sources of income you or any member of your household receives. If you have any questions on whether money received should be counted as income or how your rent is determined, ask your PHA. When changes occur in your household income, contact your PHA immediately to determine if this will affect your rental assistance.

What do I do if the EIV information is incorrect?

Sometimes the source of EIV information may make an error when submitting or reporting information about you. If you do not agree with the EIV information, let your PHA know.

If necessary, your PHA will contact the source of the information directly to verify disputed income information. Below are the procedures you and the PHA should follow regarding incorrect EIV information.

- ***Debts owed to PHAs and termination information*** reported in EIV originates from the PHA who provided you assistance in the past. If you dispute this information, contact your former PHA directly in writing to dispute this information and provide any documentation that supports your dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV.

- ***Employment and wage information*** reported in EIV originates from the employer. If you dispute this information, contact the employer in writing to dispute and request correction of the disputed employment and/or wage information. Provide your PHA with a copy of the letter that you sent to the employer. If you are unable to get the employer to correct the information, you should contact the SWA for assistance.

- ***Unemployment benefit information*** reported in EIV originates from the SWA. If you dispute this information, contact the SWA in writing to dispute and request correction of the disputed unemployment benefit information. Provide your PHA with a copy of the letter that you sent to the SWA.

- ***Death, SS and SSI benefit information*** reported in EIV originates from the SSA. If you dispute this information, contact the SSA at (800) 772–1213, or visit their website at: www.socialsecurity.gov. You may need to visit your local SSA office to have disputed death information corrected.

Additional Verification. The PHA, with your consent, may submit a third party verification form to the provider (or reporter) of your income for completion and submission to the PHA. You may also provide the PHA with third party documents (i.e. pay stubs, benefit award letters, bank statements, etc.) which you may have in your possession.

Identity Theft. Unknown EIV information to you can be a sign of identity theft. Sometimes someone else may use your SSN, either on purpose or by accident. So, if you suspect someone is using your SSN, you should check your Social Security records to ensure your income is calculated correctly (call SSA at (800) 772-1213); file an identity theft complaint with your local police department or the Federal Trade Commission (call FTC at (877) 438-4338, or you may visit their website at: http://www.ftc.gov). Provide your PHA with a copy of your identity theft complaint.

Where can I obtain more information on EIV and the income verification process?

Your PHA can provide you with additional information on EIV and the income verification process. You may also read more about EIV and the income verification process on HUD's Public and Indian Housing EIV web pages at: http://www.hud.gov/offices/pih/programs/ph/rhiip/uiv.cfm. The information in this Guide pertains to applicants and participants (tenants) of the following HUD-PIH rental assistance programs:
1. Public Housing (24 CFR 960); and
2. Section 8 Housing Choice Voucher (HCV), (24 CFR 982); and
3. Section 8 Moderate Rehabilitation (24 CFR 882); and
4. Project-Based Voucher (24 CFR 983)

Voucher Term and Size, Fair Market Rents, & Payment Standards

Voucher Term

Your Housing Choice Voucher will be issued on the day of your briefing. The Housing Choice Voucher is valid for a term of 60 (sixty days). Because of the nature of the funding of the program, we generally do NOT provide extensions of vouchers unless provided for as a reasonable accommodation or due to a medical emergency. Such extension must be requested BEFORE the expiration of your voucher. Please submit your request in writing to your Housing Specialist. You must find a unit and submit a pre-approval request and unit information sheet within the term of the voucher or your voucher will expire and you will have to reapply for assistance.

Voucher Size (Subsidy Standard):

Your caseworker has determined your voucher size and subsidy standard based on your Family composition. The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, unmarried couples, domestic partners, and children under age 5) will be allocated separate bedrooms.

Live-in aides will be allocated a separate bedroom, if the presence of an overnight live-in aide is medically necessary. No additional bedrooms will be provided for the live-in aide's family. A maximum of one bedroom per family will be allocated for live-in aides, even if the family has more than one aide.

Single person families will be allocated one bedroom.

Full-time students that live away from home for more than half the year are not included in household size for the purpose of determining subsidy levels.

Your voucher size does not limit you to a certain bedroom size. You may choose a larger unit, however your payment standard and utility allowance will be based upon your voucher size, NOT your unit size.

Payment Standard (Payment Standard = Gross Rent or Rent plus Utilities) and FMRs:

A payment standard is used to calculate the monthly housing assistance payment for a family. This is the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

The payment standard is calculated by using 90-110% of the HUD published Fair Market Rents "FMRs" as determined by the PHA (see schedule on next page). The payment standard and utility allowance is calculated using the LOWER of the family unit size **OR** the size of the dwelling unit rented. Families with a household member who has a disability can request an exception Payment Standard up to 120% of the HUD published FMR as a reasonable accommodation to fully utilize our programs and services. Requests for accommodations must be verified to ensure that the accommodation is reasonable. If you have any questions or would like to request an accommodation, please contact your caseworker as soon as possible.

KCHA Payment Standards effective as of 1/1/2017

Bedroom Size:	*0*	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*
*HUD *FMR*	*928*	*1,189*	*1,463*	*1,933*	*2,263*	*2,602*	*2,942*	*3,281*	*3,621*
Payment Standard (110% of FMR):	*1,021*	*1,308*	*1,609*	*2,126*	*2,489*	*2,863*	*3,236*	*3,609*	*3,983*

HUD Sets the FMRs (Fair Market Rents).

UTILITY/SERVICE ALLOWANCE SCHEDULE

EFFECTIVE DATE: 1/1/2017

(Locality: County of Kaua'i)

Single Family Detached

ELECTRIC						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Basic (lighting, refrigeration, tv, clothes washer, & small appliances)	$77	$91	$126	$162	$197	$233
2. Cooking	$27	$30	$37	$44	$52	$59
3. Waterheater	$37	$44	$56	$68	$80	$92
4. All electric	$141	$165	$219	$274	$329	$384
GAS (GALS)						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Cooking	$10	$12	$17	$23	$28	$33
2. Domestic Hot Water	$25	$30	$43	$56	$70	$83
3. Cooking Plus Domestic HW	$35	$42	$60	$79	$98	$116
WATER/SEWER						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Water	$23	$23	$27	$33	$43	$53
2. Sewer	$49	$49	$49	$49	$49	$49
3. Trash	$6	$6	$6	$6	$6	$6
Tenant Provided Range	10					
Tenant Provided Refrigerator	25					

UTILITY/SERVICE ALLOWANCE SCHEDULE

EFFECTIVE DATE: 1/1/2017

(Locality: County of Kaua'i)

Single Family Attached (Duplex/Triplex)

ELECTRIC						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Basic (lighting, refrigeration, tv, clothes washer, & small appliances)	$66	$78	$109	$139	$170	$200
2. Cooking	$27	$30	$37	$44	$52	$59
3. Waterheater	$37	$44	$56	$68	$80	$92
4. All electric	$130	$152	$202	$251	$302	$351
GAS (GALS)						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Cooking	$10	$12	$17	$23	$28	$33
2. Domestic Hot Water	$25	$30	$43	$56	$70	$83
3. Cooking Plus Domestic HW	$35	$42	$60	$79	$98	$116
WATER/SEWER						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Water	$23	$23	$27	$33	$43	$53
2. Sewer	$49	$49	$49	$49	$49	$49
3. Trash	$6	$6	$6	$6	$6	$6

Tenant Provided Range	10
Tenant Provided Refrigerator	25

UTILITY/SERVICE ALLOWANCE SCHEDULE

EFFECTIVE DATE: 1/1/2017

(Locality: County of Kaua'i)

Apartments/Row/Garden House

ELECTRIC						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Basic (lighting, refrigeration, tv, clothes washer, & small appliances)	$64	$75	$105	$134	$164	$193
2. Cooking	$27	$30	$37	$44	$52	$59
3. Waterheater	$37	$44	$56	$68	$80	$92
4. All electric	$128	$149	$198	$246	$296	$344
GAS (GALS)						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Cooking	$10	$12	$17	$23	$28	$33
2. Domestic Hot Water	$25	$30	$43	$56	$70	$83
3. Cooking Plus Domestic HW	$35	$42	$60	$79	$98	$116
WATER/SEWER						
	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
1. Water	$23	$23	$27	$33	$43	$53
2. Sewer	$49	$49	$49	$49	$49	$49
3. Trash	$6	$6	$6	$6	$6	$6

Tenant Provided Range	10
Tenant Provided Refrigerator	25

Calculating Tenant Payments

For all tenants who find a unit at or below the approved Payment Standards, the HUD formula requires the Section 8 recipient to pay the higher of

- 30% of adjusted income,
- 10% of gross income

Most eligible families in KCHA's program pay 30% of adjusted income.

Why Do Some Tenants Pay More Than 30% Of Income Towards Rent?

If a tenant finds an eligible unit for equal or less than the established payment standard, the tenant would not be required to pay more than 30% of his or her income for rent. However, if a tenant locates a unit with a rent higher than the payment standard, they are required to pay the difference out of their own pocket. In other words, the tenant is required to pay his or her regular payment (30% of adjusted income, or 10% of gross income) plus the amount by which the contract rent exceeds the approved standard. In no event, however, shall a tenant be allowed an initial lease for a unit that would require them to pay in excess of 40% of their income. This is a HUD regulation!

Calculation of Subsidy and Family Share

Family share is calculated by subtracting the amount of housing assistance payment (HAP) from the gross rent.

Gross Rent is the rent to owner plus any utility allowance. The utility allowance is based on the utilities that the tenant is responsible for paying (i.e., KIUC, the Gas Company, Water, Sewer, etc.). The utility schedule is listed on a previous page.

Effective 7/1/2014, utility allowances are calculated based on the voucher size, NOT the bedroom size of the unit.

Examples of total subsidy calculation

1. Gross rent is less than the payment standard:

On January 1, 2015, Ms. Jackson found a one-bedroom single family detached unit with a rent to owner (contract rent) of $800.00. The home has an electric stove and an electric water heater that she is responsible for paying.

Her monthly adjusted income is $1000.00 Her TTP is 300.00

Rent to Owner =	$800.00
Utility Allowance =	$163.00
Total Gross Rent =	**$963.00**

		$1190 (Payment Standard)
TTP:	($300.00)	(300.00)
*Total Subsidy:	**$663.00**	$890.00

*Total Subsidy is the **lesser** of the payment standard or gross rent minus TTP

Rent to Owner:	$800.00
Total Subsidy:	**($663.00)**
Tenant Share:	**$137.00**

2. Gross rent is more than the payment standard.

On December 31, 2014, this same family found a one-bedroom single family detached unit for $1200.00, with the same utilities

Rent to Owner:	$1,200.00
Utility Allowance:	$ 163.00
Total Gross Rent:	$1,363.00

		$ 1190.00 Payment Standard
TTP:	$(300.00)	$(300.00)
Total Subsidy:	$1,063.00	**($890.00)**

*Total Subsidy is the ***LESSER*** of the payment standard or gross rent, minus TTP.

Rent to Owner:	$1200.00
Total Subsidy:	($890.00)
Tenant Share:	**$310.00**

AFFORDABILITY CHECK!

Whenever the gross rent is greater than the payment standard, as in example 2 above, the Housing Agency must conduct an affordability check. This check is done because HUD regulations prohibit families from paying more than 40% of their monthly-adjusted income as the Total Family Contribution (rent plus utilities) at the time of initial move in (and any other change of unit). The affordability check is calculated as follows:

Gross Rent:	$1363.00	
Total Subsidy:	$ 890.00	
Total Family contribution		**$473.00**
40% of Monthly Adjusted Income:		**$400.00**
($1000 x 40%)		

Since the total family contribution of $473 is more than 40% of the family's monthly-adjusted income, the family does not pass the affordability check and the Housing Authority cannot approve the unit at that rental amount.

The Process of Leasing Up a Unit

Step 1) Pre-Approval:

When you find a suitable rental unit that you would like to rent, you fill out the **PRE-APPROVAL WORKSHEET**. This worksheet includes:

a) Your name
b) Landlords Name/Phone Number
c) Unit Address (if apartment or duplex/tri-plex, be sure to include the unit #)
d) Type of Unit (Single Family, Duplex/Triplex, Apartment/condo/Townhome)
d) Number of Bedrooms
d) Type of utilities in the unit and who pays for them.

When you have completed this information, you may turn it into your caseworker at the Housing Agency **OR** fax it to us at 241-5119.

Step 2) Affordability and Rent Reasonableness:

Based on your income the caseworker will determine the gross rent. If the gross rent is over the payment standards listed within this book, they will then do an **AFFORDABILITY** check based on your adjusted monthly gross income to ensure that your portion would not exceed 40% of your adjusted monthly gross income. If your portion would exceed 40% of your adjusted monthly gross income, you would need to either 1) Look for another unit or 2) ask the Landlord to lower the rent.

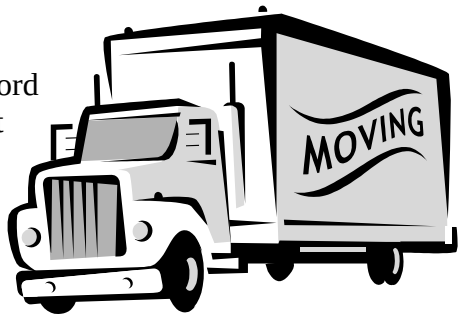
If it does not exceed 40% of your Adjusted Monthly Gross Income, we are then required to do a "Rent Reasonableness Check" to determine if the gross rent the owner is asking for is comparable to similar unassisted units in the area. This is done by our Housing Quality Inspector who maintains a database of these units.

If it is determined to be reasonable, then you would move to step #3 listed below. If it is NOT determined to be reasonable, the Inspector will give you an amount that he determines to be reasonable. You may then go to your prospective Landlord and ask them if they will accept this amount. If they will accept this amount, you would then move to Step #3. If they do not accept the lower rent, you would need to look for another unit.

Step 3) Inspection and Lease Up

Come to the Housing Agency and pick up a Landlord Packet. Drop off or mail to the Landlord for completion. The Landlord should return this packet directly to the Housing Agency either by mail or in person. Once this information is received by the Housing Agency, an inspection will be scheduled. Once this inspection passes, we will draw up a Residential Lease Agreement and HAP contract. (The Landlord may elect to use their own Lease Agreement if they desire. If they do, you must give a copy of the signed Lease to the Housing Agency). Once these contracts are signed, you may move into the unit. If you decide to move in prior to the effective date of the contract, you will be responsible for any rent incurred during that time. The effective date of the contract cannot be prior to the inspection date pursuant to HUD regulations. **DON'T FORGET, YOU ARE RESPONSIBLE FOR 1) YOUR SECURITY DEPOSIT, 2) UTILITY HOOK UP CHARGES AND; 3) MOVING EXPENSES. MAKE SURE YOU HAVE THESE AVAILABLE!**

Moving Procedures



Before you move, you must notify the Housing Agency and the landlord in compliance with state law and the lease. The Housing Agency must approve your move in advance. You will be terminated from the Section 8 program if you move and fail to notify the Housing Agency.

Follow these steps to transfer your assistance:

After your initial one year lease term and with Housing Agency approval, give your landlord an advance thirty to sixty (30-60) day written notice as required by State law and send a copy to your housing representative.

If your landlord gives you notice to move, send a copy to your housing representative right away. **The Housing Agency does not advise on tenant-landlord law**. If you believe your notice is deficient and you intend to not comply with the notice, you should seek legal advice and notify the Housing Agency of your intention.

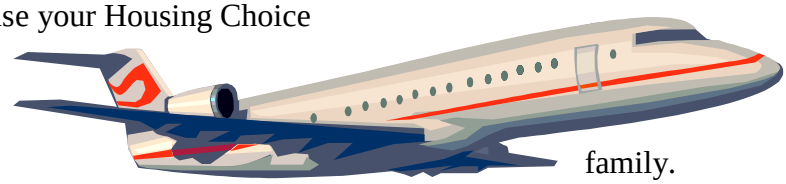
Make sure all of your belongings are removed from your unit by the end of the notice period.

Leave the unit clean and in good condition.

Never allow yourself to be evicted because you may lose your assistance.

Portability

Portability is the HUD term for the ability to use your Housing Choice Voucher assistance in other cities or states outside of Kaua‘i County. Portability was created to give you the freedom to choose which area s would best suit the needs of your family.



You may exercise your right to portability if:

1) The jurisdiction you want to move to has a Housing Authority that administers the Housing Choice Voucher Program, **AND**
2) You meet the income limits of the Housing Authority you are moving to, **AND**
3) You are in compliance with your Housing Choice Voucher lease (if you are a current participant); AND
4) You have lived in a unit on Kaua‘i while participating in the Housing Choice Voucher Program for at least one year.

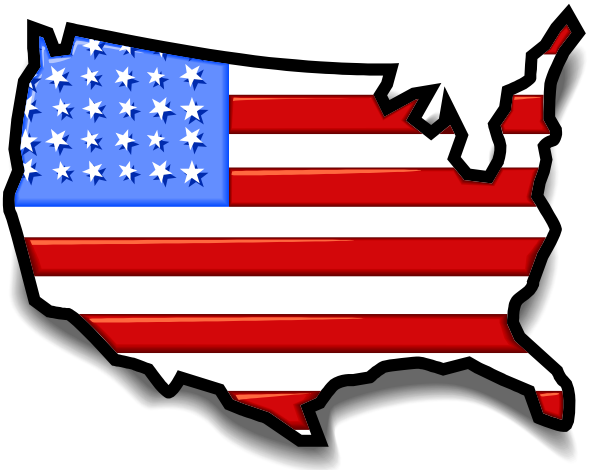
Facts About Portability.

Keep in mind that different housing authorities may have different policies and deadlines. Different housing authorities may have different voucher payment standards and utility allowances that could affect the amount you pay for rent and the bedroom size you qualify for.

As a new admission to the program, you may find you are not eligible for assistance in another jurisdiction due to different income limits. It is important that you find this out before you take advantage of portability.

Portability and FSS. If you are participating in a Family Self-Sufficiency (FSS) program, make sure that you discuss your move with your housing and FSS representative. If you cannot fulfill your FSS obligations in the new location, your FSS contract may be terminated and you may lose your escrow balance.

If you decide to use the portability feature, you can find more information on other PHA locations at hud.gov.



Inspection Checklist

It is necessary for the unit where you plan to receive rental assistance pass a housing quality standards (HQS) inspection before payments will be made. The unit will also need to pass inspection each year for rental assistance payments to continue. A failed inspection could delay the start of payments or endanger the continuation of payments. You must notify your housing representative if your landlord fails to make repairs within a reasonable period of time to conditions that affect the habitability of your assisted unit.

The Housing Agency will inspect the following eight areas for Housing Quality Standards (HQS) compliance:

- ☐ Living Room
- ☐ Kitchen
- ☐ Bathroom(s)
- ☐ Other Rooms Used for Living
- ☐ Secondary Rooms
- ☐ Outbuildings
- ☐ Building Exterior
- ☐ Heating and Plumbing
- ☐ General Health and Safety
- ☐ Garage

The following is a listing of the conditions that must be verified by the Housing Inspector:

☐ All major utilities (electricity, gas, water) must be turned on.

☐ The cooking stove and oven must be clean and in working condition. There must be burner control knobs.

☐ The refrigerator must be clean and in working condition.

☐ There must be hot and cold running water in the kitchen and bathroom(s).

☐ There must be a shower or bathtub that is in good working condition.

☐ There must be a flush toilet that works and does not leak.

☐ The bathroom must have a window or working ventilation fan.

☐ There must be no plumbing leaks or plugged drains.

☐ All accessible outside doors and windows must have working locks.

☐ At least one exit door must be without a double-keyed deadbolt lock.

☐ All electrical outlets must have cover plates in good condition with no cracks.

☐ There must be no missing, broken or badly cracked windows/window panes or jalousies.

☐ The roof must not leak.

☐ The hot water tank for the unit must have a pressure relief valve and a downward discharge pipe.

☐ There can be no tears, holes, or loose seams in carpeting or linoleum.

☐ Stairs and railings, inside and out, must be secure. A stairway of four or more steps requires a railing.

☐ There can be no mice, rats, or insect infestation.

☐ There MUST be a properly operating smoke detector on every level of the unit.

☐ No cracking, chipping, scaling, or loose paint anywhere, inside or outside the unit if a child under the age of six resides or is expected to reside in the unit.

☐ No excessive debris in or around the unit, such as an accumulation of boxes, paper, trash, wood, tires, machine or auto parts, batteries, paint cans, or old appliances. Derelict vehicles must be removed from the premises.

Lead-Based Paint Hazard

Be aware that your family can be poisoned by lead based paint. Lead poisoning causes serious physical harm, particularly to small children.

Your family may be at greatest risk if:

- You have children under the age of six;
- You have selected a unit built prior to January 1, 1978; and,
- Your pre-1978 unit has chipping, peeling, scaling, and/or loose paint inside or outside.

If you live in a pre-1978 unit, be aware of the conditions of the unit. Although not all pre-1978 units contain lead-based paint, lead poisoning of your children may occur if the unit contains lead-based paint and:

- Your children eat paint chips;
- Your children chew on painted surfaces such as moldings or window frames;
- Your children play in soil underneath painted areas, such as eaves or painted siding that are, or had been deteriorating; and,

Your children breathe dust created by deteriorating painted surfaces. Your children may be suffering from lead poisoning if they show the following symptoms:

- Crankiness or irritability over a long period of time.
- Little or no appetite
- Frequent stomach aches.
- Frequent vomiting.

Sometimes your children may not appear sick at all, but they are being poisoned in a way that could damage their minds and bodies. If you believe your children have been exposed to lead-based paint, seek immediate medical attention. Your health care provider can test your children for lead poisoning.

You may receive Section 8 rental assistance in a pre-1978 unit, but the Housing Agency will not approve the unit if your children are under the age of six, and the unit's paint surfaces show signs of deterioration as indicated by cracking, scaling, chipping or peeling paint.

If the unit fails a Housing Agency inspection, your landlord will be given information on how to correct the problems. Your landlord must make the repairs in accordance with special lead-based paint rules and regulations. Your landlord must make all necessary steps to keep your family safe from harm.

Federal Privacy Statement

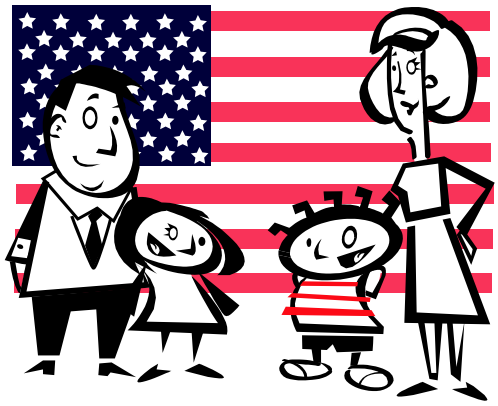
The U. S. Department of Housing and Urban Development (HUD) collects and discloses data on applicants and participants in the Section 8 HCV Program in accordance with the U. S. Privacy Act of 1974. The information is released to appropriate federal, state, or local agencies to verify information relevant to participation in the rental assistance programs and, when applicable, to other civil, criminal, or regulatory bodies.

For every participant, the Housing Agency completes a data collection form (HUD 50058) with information about household size, cost of rent, income and assets, and social security numbers. This information is used by HUD to develop budgets, evaluate, plan, monitor programs, and prepare reports to the President and Congress. The information is also used to verify accuracy and completeness of income information and detect fraud.

HUD is permitted to ask for the information by the U.S. Housing Act of 1937 as amended, 42 USC, 1437 et. seq., the Housing and Community Development Act 1981, Public Law 97-35, 85 Stat., 348, 408.

Failure to disclose information or social security numbers constitutes grounds for denying eligibility or continued eligibility pursuant to Title 24 Code of Federal Regulations.

Proof of Citizenship Status



Section 214, Part 812 of the Code of Federal Regulations states:

All family members must submit evidence of citizenship or eligible immigration status for verification.

Verification or evidence of citizenship or eligible immigration status must be submitted at the point of eligibility determination.

Family Self Sufficiency Program

The Family Self Sufficiency (FSS) Program helps families develop and continue educational and career goals and may help you to become self sufficient. Participants are encouraged to seek training or education that will enable them to work or improve their current employment situation. The program is available only to Section 8 HCV Program participants. There is a waiting list for the FSS Program. Those admitted to the FSS Program enter into five-year contracts with goals to achieve economic independence. As participants increase their earned income and pay more of their rent, the Housing Agency saves money by paying less of their rent. Families may be eligible to the money saved if they meet their goals by the end of their five-year contract.

Reasonable Accommodations

If you are a person with disabilities or part of a family that includes persons with disabilities, you may request a reasonable accommodation in order to fully utilize this housing program and any related services. The PHA will make all reasonable efforts to be flexible in assisting you and your family to enable your participation in the program. Requests for accommodations must be verified to ensure that the accommodation is reasonable. If you have any questions or would like to request an accommodation, please contact your caseworker as soon as possible.

For Your Protection

Landlords/Managers Have A Responsibility To:

- Consider all qualified applicants equally; - Indicate no preference when advertising or showing units;
- Give all applicants accurate and complete information about available units, occupancy dates, rental terms, and conditions;
- Refrain from making written or verbal inquiries about an applicant's ethnicity, religion, sex, disability, marital or familial status; and,
- Be consistent in applying rental policies.

Landlords/Managers Must Never:

- Ask for money from tenants beyond the rental contract and standard credit check charges;

- Offer money and/or gifts to Housing Agency employees for favors; or,

- Pay or offer payment for "referral or finder fees" to Housing Agency employees for steering Section 8 recipients to vacant units. If you should have information about a landlord or manager engaging in any of the above activities, please call the Housing Agency at (808) 241-4440.

If you have reason to believe you are a victim of housing discrimination, you have the right to file a housing discrimination complaint. A complaint form is available from any HUD office. You should also report all information about violations of the Federal Fair Housing Law to HUD, even if you do not file a formal complaint.

To file a report with HUD, please call: Fair Housing Complaint Hotline: 1- 800-669-9777.
Hearing Impaired: (TDD) 1-800-543- 8294.

IMPORTANT!

For your protection, always get a receipt for money paid out by you, whether by cash, check or money order. Always request a written explanation for non-rent payments.

Important Alert
Regarding Medical Marijuana

The Kaua‘i County Housing Agency has received several questions regarding the use of medical marijuana in federally subsidized housing. This will address the conflicts between State and Federal laws.

Hawai‘i State Law

In June of 2000, Hawai‘i passed SB 862 HD1, which made Hawai‘i the first state whose legislature, as opposed to voter initiative, legalized marijuana for medical use. Hawai‘i's medical marijuana law creates a confidential statewide registry of medical marijuana patients and caregivers, with all patients being issued registry certificates. Any registered patient may legally use marijuana for medicinal purposes, and their caregiver may assist them in doing so. Specifically, once a patient has been issued a valid registry identification card, they are legally permitted to grow, posses, transport, and use marijuana for medical purposes only. Patients, as well as primary caregivers, have an affirmative defense to criminal prosecution under the state's marijuana laws.

Federal Law vs. State Law

HUD guidance is as follows: HUD concludes that State laws purporting to legalize medical marijuana directly conflict with the admission and occupancy requirements of the Quality Housing and Work Responsibility Act of 1998. Moreover, a state statute “is invalid to the extent that it actually conflicts with a…..Federal statute.”

What does this mean?

The Housing Choice Voucher Program is a federal program and subject to Federal laws. Federal law trumps state laws. Therefore, under federal law, any marijuana use in federally subsidized housing is prohibited. This applies to both current program participants and new applicants.

If it is found that you have any type of illegal drugs in your federally subsidized unit including marijuana, you will be subject to termination from the Housing Choice Voucher Program.

Notice Regarding the Violence Against Women Act (VAWA)

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The law prohibits the denial of admission, termination of assistance, or termination of tenancy for lease violations, criminal activities, or other good cause if the violations occurred as a direct result of a family member being the victim of domestic violence, dating violence, sexual assault or stalking. The restrictions are described in the Tenancy Addendum, which is the document provided by the Housing Agency upon your entrance to the Housing Choice Voucher Program and that supplements each lease agreement while you are a participant in the program.

Protections for Victims

If you are eligible for a Housing Choice Voucher, the housing authority cannot deny you rental assistance solely because you are a victim of domestic violence, dating violence, sexual assault or stalking. If you are the victim of domestic violence, dating violence, sexual assault or stalking, you cannot be terminated from the Housing Choice Voucher Program or evicted based on acts or threats of violence committed against you. Also, criminal acts directly related to the domestic violence, dating violence, or stalking that are caused by a member of your household or a guest can't be the reason for evicting you or terminating your rental assistance if you were the victim of the abuse.

Reasons You Can Be Evicted

You can be evicted and your rental assistance can be terminated if the housing authority or your landlord can show there is an *actual* and *imminent* (immediate) threat to other tenants or employees at the property if you remain in your housing. Also, you can be evicted and your rental assistance can be terminated for serious or repeated lease violations that are not related to the domestic violence, dating violence, or stalking committed against you. The housing authority and your landlord cannot hold you to a more demanding set of rules than it applies to tenants who are not victims.

Removing the Abuser from the Household

Your landlord may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the assisted unit. Also, the housing authority can terminate the abuser's Section 8 rental assistance while allowing you to continue to receive assistance. If the landlord or housing authority chooses to remove the abuser, it may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, your landlord must follow federal, state, and local eviction procedures.

Moving to Protect Your Safety

The housing authority may permit you to move and still keep your rental assistance, even if your current lease has not yet expired. The housing authority may require that you be current on your rent or other obligations in the housing choice voucher program. The housing authority may ask you to provide proof that you are moving because of incidences of abuse.

Proving That You Are a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing authority and your landlord can ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault or stalking. The housing authority or your landlord must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. The housing authority and your landlord are free to extend the deadline. There are three ways you can prove that you are a victim:

- Complete the certification form given to you by the housing authority or your landlord. The form will ask for your name, the name of your abuser, the abuser's relationship to you, the date, time, and location of the incident of violence, and a description of the violence.
- Provide a statement from a victim service provider, attorney, or medical professional who has helped you address incidents of domestic violence, dating violence, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both you and the professional must sign the statement, and both of you must state that you are signing "under penalty of perjury."
- Provide a police or court record, such as a protective order.

If you fail to provide one of these documents within the required time, the landlord may evict you, and the housing authority may terminate your rental assistance.

Confidentiality

The housing authority and your landlord must keep confidential any information you provide about the violence against you, unless:

- You give written permission to the housing authority or your landlord to release the information.
- Your landlord needs to use the information in an eviction proceeding, such as to evict your abuser.
- A law requires the housing authority or your landlord to release the information.

If release of the information would put your safety at risk, you should inform the housing authority and your landlord.

VAWA and Other Laws

VAWA does not limit the housing authority's or your landlord's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

For Additional Information

If you have any questions regarding VAWA, please contact your Housing Specialist.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

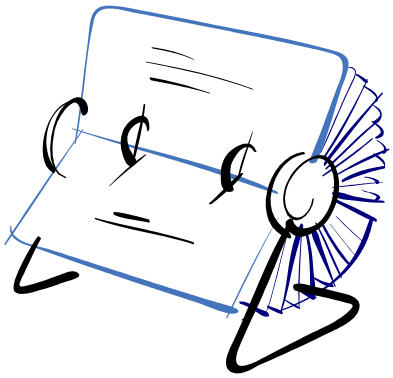
Notice Regarding the Disclosure of Applicant/Tenant Information to Prospective Landlords

Pursuant to the Federal regulations at 24 CFR 982.301(b)(7), the Kauai County Housing Agency advises all applicants and tenants it's policy on providing family information to prospective landlords and owners.

It is the policy of the Kauai County Housing Agency and its Housing Choice Voucher Program not to provide family information on applicants or tenants beyond the information required by Federal regulations. 24 CFR 982.307(b)(1) requires the Program to disclose the family's current and prior address as shown in the Program's records and the name and address of the landlord at the family's current and prior address.

It is the local policy of the Kauai County Housing Agency and its Housing Choice Voucher Program in its Administrative Plan to not provide any additional family screening information to the owner.

Contact Information



Record information and telephone numbers that you will need to refer to often during the course of your contract with the Kaua‘i County Housing Agency. <u>This may or may not be the person who interviewed you for your initial eligibility into the program!</u>

*Housing Specialist Name (circle one):

Sandy Kaauwai (A-HARL) - skaauwai@kauai.gov

Irene Hironaka (HARR-O’FLAH) - ihironaka@kauai.gov

Sandy Adachi (O’NEILL-Z) – sadachi@kauai.gov

*Your caseworker may change from time to time due to caseload shuffle.

Contact Information:

Kaua‘i County Housing Agency
4444 Rice Street, Suite 330
Lihue, HI 96766
(808)-241-4440
(808)-241-5119 (fax)

Program Manager:	Bricen Moritsugu – bmoritsugu@kauai.gov
Assistant Program Manager:	Naomi Cortez – ncortez@kauai.gov
Housing Quality Standards Inspector:	Arnold Kaneshiro – akaneshiro@kauai.gov

IMPORTANT!

When visiting the Housing Agency, please be sure to call and make contact with your Housing Assistance Specialist prior to coming to the Agency. If you come to the Agency without an appointment, in most cases you will not be able to see your Specialist due to their work schedule and other appointments.