

**Peninsula Housing Authority  
Clallam and Jefferson Counties  
Tenant-Based Rental Assistance (TBRA) Program**

**Policies and Procedures**

**Peninsula Housing Authority  
2603 South Francis Street  
Port Angeles, WA 98362**

**Revised and Adopted by Resolution #2015 – 07  
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## **I. Fiscal Management**

The Peninsula Housing Authority (PHA) uses computer software designed by Yardi specifically for subsidized housing operations. The software is capable of calculating rental assistance amounts based upon the household's income. TBRA program rental assistance will be calculated in the same manner as it is for the Section 8 Housing Choice Voucher program with one exception: TBRA total tenant payments may not exceed 30% of adjusted income. The software automatically generates monthly invoices for rental assistance based on each household's file. The entire system is fully integrated and combines tenant files, accounts payable, payroll and general ledger processes.

The Peninsula Housing Authority is audited annually by the Washington State Auditor's office.

## **II. Location of Handicap Accessible Facilities and Services for Homeless Families with Special Needs.**

The Peninsula Housing Authority offices located at 2603 South Francis Street, Port Angeles, WA meets handicap-accessibility requirements. Homeless families with special needs may request accommodation if they are unable to access these facilities.

## **III. Provision for Bilingual Public Contact Employees**

The Peninsula Housing Authority will obtain the services of an interpreter at its own expense in those instances where needed.

## **IV. TBRA Program Policies**

### **A. Types of Assistance**

The Peninsula Housing Authority makes the following assistance available through the TBRA Program:

1. Rental Assistance
2. Security Deposit Assistance
3. Utility Deposit Assistance

The conditions and limits of each of these types of assistance are outlined further below.

### **B. Rent Limits**

Contract rents shall be reasonable based on other unassisted units of similar style and size in the local rental market. This rent reasonableness shall be determined in the same manner as for the Section 8 Rental Assistance Program.

### **C. Changes in the Lease or Rent**

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Where the owner is changing the amount of rent, the owner must notify the PHA of any changes in the amount of the rent to owner at least 60 days before any such changes go into effect. The PHA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or give the family notice in accordance with the terms of the lease.

No rent increase is permitted during the initial term of the lease.

Rent increases will go into effect on the first of the month following the 60 day period after the owner notifies the PHA of the rent change or on the date specified by the owner, whichever is later.

#### D. Amount of Rental Assistance

Rental assistance shall be calculated using the same payment standards and same methodology as for the Section 8 Housing Choice Voucher Program. Families will not be permitted to pay more than 30% of their adjusted monthly income for rent and utilities at initial lease up. Families will be required to contribute a minimum of \$50 per month toward their housing costs.

#### E. Tenant Selection

The program serves homeless individuals and families who have assessed to need more than short term rental assistance and case-management through our partnering referring agencies, with an emphasis on chronically homeless individuals, homeless families with children, and homeless disabled single adults, including homeless veterans.

Participants may be placed on the TBRA program out of emergency shelter or directly from homelessness – depending on their individual assessments.

Homelessness or chronic homelessness is a prerequisite for application and admission – a certification of homelessness will be required from the referring agency.

Eligible households will be those who have been determined initially eligible for program participation by a referring partner agency.

When TBRA rental assistance becomes available, the Peninsula Housing Authority notifies partnering agencies. Rental assistance is provided through the end of the current Department of Commerce TBRA Contract but may be extended for a period not to exceed two years if the Department of Commerce TBRA funding is continued.

#### F. Income Limits

Families selected will be at or below 50 of median income. Current income limits set by the Department of Housing and Urban Development will be used to determine eligibility.

#### G. Participant Program Goals Plan

Families selected to participate in TBRA will be required to develop a transitional case plan with the referring agency. The purpose of the Case Plan is to develop a strategy to obtain permanent affordable housing after the TBRA rental assistance term has expired.

#### H. Housing Safety Standards

All units leased on the TBRA program will be subject to HUD Housing Quality Standards. An HQS inspection will be conducted prior to leasing any unit on the TBRA program.

#### I. Lead Based Paint

HUD Lead Regulation 24 CFR Part 35, Subpart M, applies to the TBRA program ([www.hud.gov/offices/lead/leadsaferule/index.cfm](http://www.hud.gov/offices/lead/leadsaferule/index.cfm)). **The regulation only applies to structures built before 1978 that house children under the age of six.** Please refer to the regulation itself for specific requirements. The following summarizes the key requirements for TBRA ([www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/tenantbased/keyrequirements.cfm](http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/tenantbased/keyrequirements.cfm)):

1. Evaluation PHA must conduct a visual assessment of a unit prior to occupancy and at least annually thereafter. The visual assessment is usually completed in conjunction with the Housing Quality Standards inspection and identifies deteriorated paint, dust, debris, and other residue. The visual assessment must be done by a person who is trained in visual assessment. That training is available on HUD's website at [www.hud.gov/lea/leahome.html](http://www.hud.gov/lea/leahome.html).

2. Paint Stabilization - The property owner must correct any conditions identified in the HQS inspection, including stabilizing deteriorated paint identified in the visual inspection. Paint stabilization can involve repairing the substrate, scraping and repainting the surface. All deteriorated paint must be stabilized by properly trained or supervised workers using lead-safe work practices ([www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/safepractices.cfm](http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/safepractices.cfm)). Documentation of safe work practices is required, and consists of having copies of certificates of safe work practices training completion on file for those doing the lead reduction work.

When work is complete, the PHA must ensure that the unit passes clearance and keep a copy of the clearance report. Failure to get clearance on any unit where lead hazard reduction activities have occurred results in rental assistance being discontinued for the unit. Keep records of any unit where clearance is required but has not been obtained to insure that the unit does not become rent assisted, even if another eligible household wants to live there.

3. Communication with Residents - The PHA must ensure that residents receive the following communications:

- **Lead Hazard Information Pamphlet.** The resident must receive this pamphlet prior to occupying the unit. If the Contract can document that the resident received the pamphlet previously (e.g. from the owner), the Contractor is not required to provide the pamphlet again but the receipt must be documented.
- **Lead Disclosure Notice.** Residents must also receive, from the owner, a Lead Disclosure Form notifying them of any known lead-based paint or hazards in the unit, prior to occupying the unit.
- **Notice of Lead Hazard Reduction.** Within 15 days of the completion of the paint stabilization and clearance, the resident must receive a Notice of Lead Hazard Reduction.
- **Notice of Lead Hazard Evaluation.** Because a visual assessment is not a method of lead hazard evaluation, a notice of lead hazard evaluation is not required. However, if any lead hazard evaluation is conducted, for example in the event of a child with an Environmental Intervention Blood Lead Level (EIBLL), such a notice is required and must be posted at the applicable work site.

4. Ongoing Maintenance - The owner is required to conduct ongoing maintenance in units occupied by residents with children under age six receiving TBRA. The PHA must monitor those efforts as part of periodic inspections.

5. Environmental Intervention Blood Lead Levels - Check with the local or state health department at least quarterly for a list of children with elevated blood lead levels in their service area. This must be crosschecked with the addresses of rental assistance units in which children reside. Keep the documentation from these quarterly contacts on file.

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The PHA and property owners must take specific steps after receiving notice that a child with EIBLL is living in a unit receiving TBRA.

b. **Requirements.** The PHA must take required steps when it receives notification of a child with an EIBLL. These steps include:

- Verify and report the information to the state or local public health agency;
- Conduct a risk assessment within 15 calendar days;
- Respond to the evaluation result. If lead hazards are identified, then interim controls or abatement must be done within 15 calendar days of the risk

assessment using Safe Work Practices, and clearance is required. Otherwise the unit will cease to be certified; **and**

- Provide notices to residents.

- c. **Activities before Notification.** If the PHA begins evaluation and lead hazard reduction activities after a child's blood level is tested, but before being notified of the child with an EIBLL, the PHA must finish these activities, but does not need to repeat them.
- d. **If a Child Moves.** If a child with an EIBLL moves before the PHA has completed the risk assessment and lead hazard reduction measures, the PHA must ensure that these measures are completed, and the unit must be certified free of lead-based paint hazards before the unit will be eligible for assistance.

6. Other –

- a. **Leases.** Leases must include a provision that the lessee shall immediately notify the Contractor when a newborn or additional child under the age of six comes into the household.
- b. **Forms.** Useful forms related to lead based paint are located at [www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/usefulforms/](http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/usefulforms/).

J. Occupancy Standards

Although the PHA does determine the size of unit the family qualifies for under the occupancy standards, the PHA does not determine who shares a bedroom/sleeping room.

The PHA's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements. The PHA's occupancy standards are as follows:

- 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, and children under age 5) will not be required to share a bedroom.
- Persons of different generations will not be required to share a bedroom.
- Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family.
- Single person families will be allocated a zero or one bedroom.
- Foster children will be included in determining unit size.

The PHA will reference the following standards in determining the appropriate unit bedroom size for a family:

<b>BEDROOM SIZE</b>	<b>MINIMUM NUMBER OF PERSONS</b>	<b>MAXIMUM NUMBER OF PERSONS</b>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10
6	8	12

## **EXCEPTIONS TO OCCUPANCY STANDARDS**

### **Types of Exceptions**

The PHA will consider granting exceptions to the occupancy standards at the family's request if the PHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart) and the family does not want to a larger size unit.

### **Processing of Exceptions**

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, the PHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the PHA will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

The PHA will notify the family of its decision within 10 business days of receiving the family's request.

## **K. Application Denial and Termination of Tenancy**

Applicants would be denied based on one of the following criteria:



1. Over income limit.
2. Not residing in an eligible emergency shelter.
3. Not a family with children or a disabled individual.
4. A record of drug-related or violent criminal activity in the most recent 5 years.
5. A registered sex offender with a lifetime registration requirement.
6. A criminal history that includes a felony involving violence against a person or property of another within the most recent 5 years.
7. Termination of Tenancy from a Housing Authority-owned property for non-payment of rent or good cause in the last 5 years.
8. Termination from participation in any Housing Authority-operated program in the last 5 years for violation of program participation rules.
9. A debt owed to the Housing Authority or other federal housing program.

Criminal history background checks are obtained for all applicants prior to issuance of any housing assistance or residency in a housing authority complex.

Tenancy would be terminated based on one of the following criteria:

1. Failure to comply with case management provisions of their housing contract.
2. Drug-related or violent criminal activity.
3. Eviction from rental-assisted housing.
4. Failure to comply with family obligation provisions of their Housing contract.
5. Program participant exceeds 24-month program participation limit
6. Funding for the program is no longer available.

When action is taken to deny or terminate rental assistance, the Housing Authority will provide applicant/tenant families an opportunity for an informal hearing. Notification and hearing procedures will be carried out in accordance with the Section 8 Administrative Plan.

Any applicant formally denied TBRA assistance must wait at least one year to reapply.

#### L. Reexaminations of Income

The PHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated.

If the family moves to a new unit, the PHA will perform a new annual reexamination.

The PHC also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a

change. Families are required to report all increases in income, including new employment, within 10 calendar days of the date the change takes effect. The PHA will conduct interim reexaminations when it is verified that the household income has decreased or when families have an increase in income in excess of \$1,000 per year. In all other cases, the PHA will note the information in the tenant file, but will not conduct an interim reexamination.

M. Household Moves - TBRA participants are generally allowed to move under the following circumstances:

- a. The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease.
- b. The lease for the family's unit has been terminated by mutual agreement of the owner and the family. If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the PHA a copy of the termination agreement.
- c. The PHA has terminated the assisted lease for the family's unit for the owner's breach.
- d. The PHA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the PHA must issue the family a new TBRA, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the PHA must terminate the TBRA contract for the family's old unit in accordance with the TBRA contract terms and must notify both the family and the owner of the termination. The TBRA contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives notice to the owner.

#### RESTRICTIONS ON MOVES

A family's right to move is generally contingent upon the family's compliance with program requirements. The PHA will deny a family permission to make an elective move during the family's initial lease term. The PHA will also deny a family permission to make more than one elective move during any 12-month period.

The PHA will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the PHA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities.

## V. Security and Utility Deposits

The Security Deposit Program offers low-income individuals and families assistance to cover costs of the Security Deposit. Applications are processed on a first-come, first-served basis.

The Utility Deposit Program offers TBRA rental assistance households assistance to cover the cost of a Utility Deposit for the unit they choose to rent. Applications are processed only for TBRA rental assistance eligible households. **Households not eligible to receive a TBRA Voucher (those coming from emergency shelter referrals) are *not* eligible for Utility Deposit assistance.**

Amount: The total amount of the security deposit will not exceed one month's rent. PHA will provide up to ½ of the total security deposit, or \$300, whichever is less. The total amount of the utility deposit will not exceed \$200.00. Applicants are eligible to receive each of these types of assistance only once in any three-year period.

TBRA Security Deposit Assistance may not be used for non-refundable deposits. The landlord must agree to refund any portion of the deposit left after deducting amounts left due at move-out. Utility Deposits are *not* required to be repaid by utility companies when the tenant vacates the unit.

Households receiving security deposit assistance must sign an agreement that upon move-out they are aware that the refund (or any remainder which is refundable after charges) will be given back to the Housing Authority (FORM TBRA-104)

Funds provided by PHA will be approved only for security and/or utility deposits on new rental situations; rent or other living expenses are not acceptable. This program cannot reimburse a renter for a security deposit or utility deposit that has already been paid, and payments cannot be made retroactively. Applicants must be determined to be eligible before moving in.

Eligibility: Eligibility for assistance is based on several factors, including location and income. To be eligible for assistance the unit selected must be located in Clallam or Jefferson County. In addition household income must be less than the Very Low Income Limit- (less than 50% of the median income by household size as published annually by HUD). Income guidelines are available at the PHA office.

Landlord Agreement: Landlords participating in the security deposit program cannot be a relative of the Tenant (unless a reasonable accommodation is requested and approved by the Executive Director). Landlords receiving security deposit assistance must agree to limit the total security deposit to one month's rent (or less). Landlords must agree to do the following:

1. Sign a Tenant/Landlord/PHA Security Agreement (FORM TBRA-104).
2. For Security Deposits, the Landlord must provide written certification that the rental unit is decent, safe and sanitary.
3. Landlords must notify the Housing Authority when the tenant vacates the unit and provide a copy of the move-out/disposition of security deposit report to the Housing Authority and the Tenant within 14 days. If there are charges left due upon vacate, the

landlord must use the tenant-paid portion of the security deposit first. The PHA-paid portion of the security deposit will be used only after the tenant-paid portion is exhausted.

4. If security deposit funds remain after applying charges, the landlord and/or utility company must return any portion paid by the PHA to PHA at 2603 S. Francis Street, Port Angeles, WA 98362 – the memo portion of the check should note “TBRA Deposit Return” and the tenant’s name.

#### Application Process:

1. Tenant must complete Application for Assistance with Security/Utility Deposit (FORM TBRA-107). NOTE: The Housing Authority cannot process an application until the renter has found a unit to rent.
2. Submit verification of household composition such as birth certificates, state identification and social security cards.
3. Submit verification of income such as pay stubs, W-2s, tax returns, and statements.
4. Submit an Authorization to Release Information signed by all adult household members.
5. If the application packet is complete and the renter is determined eligible for the security and/or utility deposit, the landlord and/or utility company will be contacted by the Housing Authority to arrange for the Tenant/Landlord/PHA Security Deposit Agreement to be executed and obtain a copy of the rental agreement.

#### Payment

Prior to releasing a check for the amount of the security or utility deposit, a copy of the rental or lease agreement signed by both the landlord and the tenant; the original Tenant/Landlord/PHA Security Deposit Agreement (signed by both the landlord and the tenant); and in the case of a security deposit, a IRS W-9 Form signed by the landlord must be received by the Housing Authority.

Checks for security and/or utility deposits are issued on the 1<sup>st</sup> and the 15<sup>th</sup> of the month.