

Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

Charleston-Kanawha Housing Authority (CKHA) receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development (HUD). CKHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. CKHA enters into an Annual Contributions Contract (ACC) with HUD to administer the program requirements on behalf of HUD. CKHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about CKHA and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: CKHA. This part includes a description of CKHA, its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the HCV program operation, roles and responsibilities, and partnerships.

Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

PART I: CHARLESTON-KANAWHA HOUSING AUTHORITY (CKHA)

1-I.A. OVERVIEW

CKHA has provided decent, safe, & sanitary housing for low & moderate-income residents since its creation in 1937. It is the largest assisted housing agency in the state of West Virginia providing housing assistance for more than 4,400 families.

CKHA offers two types of housing assistance; Public Housing, made up of housing units located in developments owned and operated by CKHA, and the HCV program, which allows the tenant to find their own housing and CKHA provides subsidy to the landlord.

CKHA manages six family developments, four high-rises and several scattered sites on the public housing program and administers HCV's and moderate rehabilitation units throughout Kanawha, Putnam and Clay Counties.

CKHA has eighty employees who work to provide quality service through our programs. With our Board of Commissioners, community partners and residents, we will continue to work to build stronger communities and improve the quality of life for those we serve.

1-I.B. ORGANIZATION AND STRUCTURE OF CKHA

The Section 8 tenant-based HCV assistance program is funded by the federal government and administered by CKHA for the jurisdiction of the City of Charleston/ Counties of Kanawha, Putman and Clay.

The officials of CKHA are known as commissioners or, collectively, as the board of commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which CKHA conducts business, ensuring that policies are followed by CKHA staff and ensuring that CKHA is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of CKHA are taken through written resolutions, adopted by the board of commissioners and entered into the official records of CKHA.

The principal staff member of CKHA is the Chief Executive Officer (CEO), hired and appointed by the board of commissioners. The CEO is directly responsible for carrying out the policies established by the commissioners and is delegated the responsibility for hiring, training and supervising the remainder of CKHA's staff in order to manage the day-to-day operations of CKHA to ensure compliance with federal and state laws and directives for the programs managed. In addition, the CEO's duties include budgeting and financial planning for the agency.

1-I.C. CKHA MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides guiding direction for developing strategy, defining critical success factors, searching out key opportunities, making resource allocation choices, satisfying clients and stakeholders, and making decisions.

CKHA Policy

CKHA's vision, by adhering to our guiding principles, will continue to be the leader in providing and supporting quality affordable housing desired by individuals and families in our market area.

CKHA's mission is to provide every resident with a decent, safe, affordable place to live while linking or providing programs that will assist them on their journey to self-sufficiency.

The HCV program is designed to achieve these major objectives:

1. To take seriously our role in filling gaps in housing for those who are less fortunate due to low income or other circumstances.
2. To champion the transitional out of assisted housing for those with various forms of housing needs, fostering mobility to self-sufficient living circumstances.
3. To work as a team with highly skilled and engaged staff who are caring, responsive, and practice integrity by doing what they said they would do.
4. To pride ourselves in fostering the quality of family life and assuring social needs are met through appropriate avenues.
5. To encourage residents who are economically independent and socially responsible to the community.

1-I.D. CKHA PROGRAMS

The following programs are included under this administrative plan:

CKHA Policy

CKHA's administrative plan is applicable to the operation of the HCV program. In addition, the administrative plan addresses policies for the following special programs:

- Single room occupancy (SRO)
- Congregate housing
- Group home
- Shared housing
- Cooperative housing (excluding families that are not cooperative members)
- Homeownership
- Project Based Vouchers
- Shelter Plus Care
- HUD-VASH
- Emergency Housing Vouchers
- Fostering Youth to Independence Initiative
- Mainstream
- Non-elderly Disabled

In addition to these vouchers, CKHA also administers the Family Self-Sufficiency (FSS) to assist approximately 40 families. With the assistance of FSS Coordinators, each FSS family works toward the attainment of a personal five-year written plan to move from dependency to self-reliance. CKHA also assists eligible qualifying families to pursue the dream of home ownership through the Housing Choice Voucher (HCV) Home Ownership program.

1-I.E. CKHA COMMITMENT TO ETHICS AND SERVICE

As a public service agency, CKHA is committed to providing excellent service to HCV program participants, owners, and to the community. CKHA's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities, which address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program, which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing CKHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of CKHA's support systems and commitment to our employees and their development.

CKHA will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

PART II. THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the reader to better understand the program.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments (HAP) were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality (“housing quality standards”) and was within certain HUD-established rent limitations (“fair market rents”), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family’s adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible family, if the family chose to move to another privately owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as “conforming” rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the HCV program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. CKHA is afforded choices in the operation of the program, which are included in CKHA’s administrative plan, a document approved by the board of commissioners of CKHA.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in CKHA’s jurisdiction and may also be eligible to move under portability to other Public Housing Authority (PHA)’s jurisdictions.

When a family is determined to be eligible for the program and funding is available, CKHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, CKHA will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. CKHA continues to make payments to the owner as long as the family is eligible, and the housing unit continues to qualify under the program.

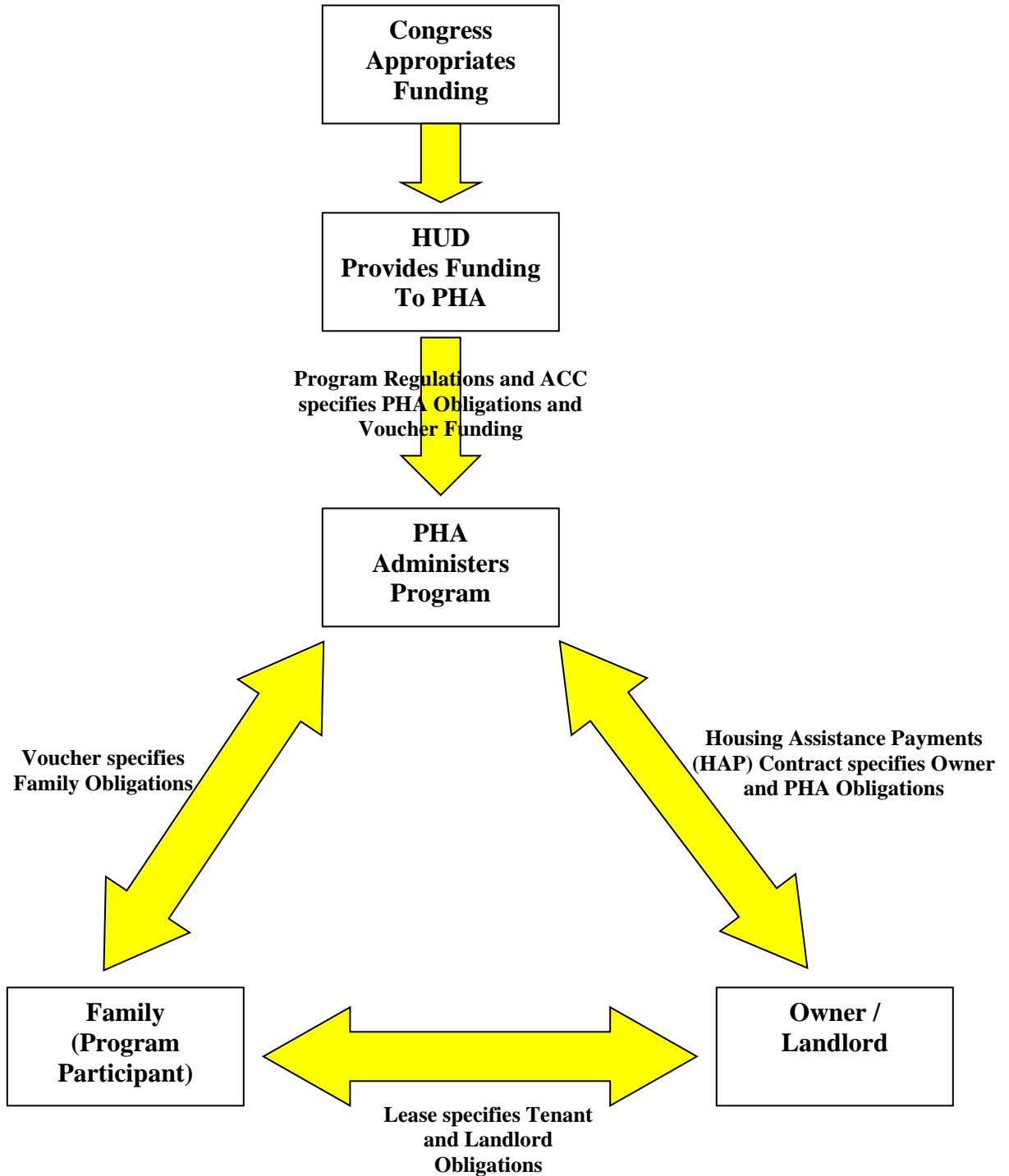
1-II.C. THE HCV PARTNERSHIPS

To administer the HCV program, CKHA enters into a contractual relationship with HUD (Consolidated Annual Contributions Contract). CKHA also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, CKHA, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

The chart on the following page illustrates key aspects of these relationships.

The HCV Relationships:



What does HUD do?

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
- Allocate HCV program funds to PHAs;
- Provide technical assistance to PHAs on interpreting and applying HCV program requirements;
- Monitor PHA compliance with HCV program requirements and PHA performance in program administration.

What does CKHA do?

CKHA administers the HCV program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicants to determine whether they are eligible for the program;
- Maintain a waiting list and select families for admission;
- Issue vouchers to eligible families and provide information on how to lease a unit;
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
- Approve the rental unit (including assuring compliance with housing quality standards and rent reasonableness), the owner, and the tenancy;
- Make housing assistance payments to the owner in a timely manner;
- Recertify families for continued eligibility under the program;
- Ensure that owners and families comply with their contractual obligations;
- Provide families and owners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, CKHA's administrative plan, and other applicable federal, state and local laws.

What does the Owner do?

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine suitability as renters.
 - CKHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
 - The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.
- Comply with the terms of the Housing Assistance Payments contract, executed with CKHA;
- Comply with all applicable fair housing laws and do not discriminate against anyone;
- Maintain the housing unit in accordance with Housing Quality Standards (HQS) and make necessary repairs in a timely manner;
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

What does the Family do?

The family has the following responsibilities:

- Provide CKHA with complete and accurate information as determined by CKHA to be necessary for administration of the program;
- Make their best and most timely efforts to locate qualified and suitable housing;
- Attend all appointments scheduled by CKHA;
- Allow CKHA to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the family;
- Comply with the terms of the lease with the owner;
- Comply with the family obligations of the voucher;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify CKHA and the owner before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify CKHA of any changes in family composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 100: The Fair Housing Act
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 983: Project-Based Vouchers
- 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)

PART III. THE HCV ADMINISTRATIVE PLAN

1-III.A. OVERVIEW AND PURPOSE OF THE PLAN

The administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in CKHA's agency plan. This administrative plan is a supporting document to CKHA agency plan and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define CKHA's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

CKHA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of CKHA staff shall be in compliance with CKHA's personnel policy and HUD's regulations as well as all federal, state and local fair housing laws and regulations.

1-III.B. CONTENTS OF THE PLAN (24CFR 982.54)

The HUD regulations at CFR 982.54 define the policies that must be included in the administrative plan. They are as follows:

- Selection and admission of applicants from CKHA waiting list, including any CKHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening CKHA waiting list (Chapter 4);
- Issuing or denying vouchers, including CKHA policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If CKHA decides to allow extensions or suspensions of the voucher term, CKHA administrative plan must describe how CKHA determines whether to grant extensions or suspensions, and how CKHA determines the length of any extension or suspension (Chapter 5);
- Any special rules for use of available funds when HUD provides funding to CKHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);
- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12);
- How to determine who remains in the program if a family breaks up (Chapter 3);
- Informal review procedures for applicants (Chapter 16);
- Informal hearing procedures for participants (Chapter 16);
- The process for establishing and revising voucher payment standards (Chapter 16);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);

- Policies concerning payment by a family to CKHA of amounts the family owes CKHA (Chapter 16);
- Interim redeterminations of family income and composition (Chapter 11);
- Restrictions, if any, on the number of moves by a participant family (Chapter 10);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);
- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
- CKHA screening of applicants for family behavior or suitability for tenancy (Chapter 3).

Mandatory vs. Discretionary Policy

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects CKHA to adopt local policies and procedures that are consistent with mandatory policies in areas where HUD gives CKHA discretion. CKHA's administrative plan is the foundation of those policies and procedures. HUD's directions require CKHA to make policy choices that provide sufficient guidance to staff and consistency to program applicants and participants.

Creating policies based upon HUD guidance is not mandatory, but provides CKHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If CKHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but CKHA should carefully think through those decisions.

1-III.C. ORGANIZATION OF THE PLAN

The plan is organized to provide information to users in particular areas of operation.

1-III.D. UPDATING AND REVISING THE PLAN

CKHA will revise this administrative plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the board of commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

CKHA Policy

CKHA will review and update the plan as needed, to reflect changes in regulations, CKHA operations, or when needed to ensure staff consistency in operation.