Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven parts as described below:

Part I: Setting Utility Allowances. This part describes how utility allowances are established and revised.

Part II: Establishing Flat Rents. This part describes the requirements and policies related to establishing and updating flat rent amounts.

Part III: Repayment of Family Debts. This part contains policies for recovery of monies that have been underpaid by families.

Part IV: Record-Keeping. All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies the DMMHA will follow.

Part V: Reporting and Record Keeping for Children with Elevated Blood Lead Level. This part describes the DMMHA’s reporting responsibilities related to children with elevated blood lead levels that are living in public housing.

Part VI: Notification to Applicants and Tenants regarding Protections under the Violence against Women Reauthorization Act of 2013 (VAWA). This part includes policies for notifying applicants and tenants of VAWA requirements.
PART I: SETTING UTILITY ALLOWANCES [24 CFR 965 Subpart E]

16-I.A. OVERVIEW
DMMHAs must establish allowances for DMMHA-furnished utilities for all check metered utilities and for resident-purchased utilities for all utilities purchased directly by residents from a utility supplier [24 CFR 965.502(a)].

The DMMHA must maintain a record that documents the basis on which utility allowances are established and revised, and the record must be made available for inspection by residents [24 CFR 965.502(b)].

16-I. B UTILITY ALLOWANCES
The DMMHA must establish separate allowances for each utility and for each category of dwelling units the DMMHA determines to be reasonably comparable as to factors affecting utility usage [24 CFR 965.503].

Utilities include gas, electricity, and fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit. In addition, if the DMMHA does not furnish a range and refrigerator, the family must be granted a utility allowance for the range and refrigerator they provide [24 CFR 965.505].

Costs for telephone, cable/satellite TV, and internet services are not considered utilities.

Utility Allowance Revisions [24 CFR 965.507]
The DMMHA must review at least annually the basis on which utility allowances have been established and must revise the allowances if necessary in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR 965.505.

16-I.C. NOTICE REQUIREMENTS [965.502]
The DMMHA must give notice to all residents of proposed allowances and revisions thereof. The notice must be given in the manner provided in the lease and must:

- Be provided at least 60 days before the proposed effective date of the allowances.
- Describe the basis for determination of the allowances including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances.
- Notify residents of the place where the DMMHA’s documentation on which allowances are based is available for inspection.
- Provide all residents an opportunity to submit written comments during a period expiring not less than 30 days before the proposed effective date of the allowances.
PART II: ESTABLISHING FLAT RENTS

16-II.A. OVERVIEW
Flat rents are designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

This part discusses how the DMMHA establishes and updates flat rents. Policies related to the use of flat rents, family choice of rent, flat rent hardships are discussed in Chapter 6.

16-II.B. FLAT RENTS [24 CFR 960.253(b)] and Notice PIH 2017-23

Establishing Flat Rents
Flat rents for public housing units will be set at the Fair Market Rents (FMR) for the Section 8 Program as published annually by HUD, based on bedroom size.

Review of Flat Rents
The DMMHA will review flat rents on an annual basis when the new Fair Market Rents (FMR) are published by HUD and adjust them as necessary to ensure that flat rents continue to mirror market rent values.

Posting of Flat Rents
The DMMHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable DMMHA or project office.

Documentation of Flat Rents [24 CFR 960.253(b) (5)]
The DMMHA must maintain records that document the method used to determine flat rents, and that show how flat rents were determined by the DMMHA in accordance with this method.
PART III: FAMILY DEBTS TO THE DMMHA

16-III.A. OVERVIEW

When an action or inaction of a resident family results in the underpayment of rent or other amounts, the DMMHA holds the family liable to return any underpayments to the DMMHA.

When a family refuses to repay monies owed to the DMMHA, the DMMHA will utilize other available collection alternatives.

- Small claims court
- Civil law suit
- State income tax set-off program

16-III.B. REPAYMENT POLICY

Family Debts to the DMMHA

Any amount owed to the DMMHA by a public housing family must be repaid. DMMHA’s unreported income policy is located in Chapter 15.

If the family refuses to repay the debt the DMMHA will terminate the family’s tenancy in accordance with the policies in Chapter 13. The DMMHA will also pursue other modes of collection.
PART IV: RECORD KEEPING

16-IV.A. OVERVIEW
The DMMHA will maintain complete and accurate accounts and other records for the program in accordance with HUD requirements.

16-IV.B. RECORD RETENTION
The DMMHA will maintain applicant and participant files and information in accordance with regulatory requirements, as amended, or as required by state or local law. DMMHA will keep confidential records of all emergency transfers requested in accordance with the DMMHA’s Emergency Transfer Plan.

Criminal Records
The DMMHA will only disclose the criminal conviction records which the DMMHA receives from a law enforcement agency to officers or staff of the DMMHA, or to authorized representatives of the DMMHA who have a job-related need to have access to the information [24 CFR 5.903(e)].
PART V: REPORTING REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

16-V.A. REPORTING REQUIREMENTS [24 CFR 35.1130(e)]

The DMMHA has certain responsibilities relative to children with elevated blood lead levels that are living in public housing.

The DMMHA must report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. The DMMHA must also report each known case of a child with an elevated blood lead level to the HUD field office.

The DMMHA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level.

The DMMHA will provide written notice of each known case of a child with an elevated blood level to the HUD field office within 5 business days of receiving the information and to HUD’s Office of Lead Hazard Control (OLHCHH).
PART VI: NOTIFICATION TO APPLICANTS AND TENANTS REGARDING PROTECTIONS UNDER THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013 (VAWA)

16-VI.A. OVERVIEW
This part describes the steps that the DMMHA will take to ensure that all actual and potential beneficiaries of its public housing program are notified about their rights under VAWA.

DMMHA VAWA definitions are listed in Chapter 3 (3.III.F) of this Plan.

16-VI.C. VAWA NOTIFICATION (24CFR 5.2005(a))
The DMMHA will make the following information readily available to anyone who requests it.

(1) A notice of occupancy rights under VAWA to public housing applicants and participants (Form HUD-5380).

(2) A copy of the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (Form HUD-5382). (3) A copy of DMMHA’s emergency transfer plan. (4) A copy of HUD’s Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5383). (5) Contact information for the National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

(6) Contact information for local victim advocacy groups or service providers.

16-VI.D. NOTIFICATION TO APPLICANTS AND PARTICIPANTS (24CFR 5.2005(a) (1))
The DMMHA will provide all applicants and participants with notification of their protections and rights under VAWA when they are denied assistance or admission, at the time of admission to the program, and when they are notified of an eviction or termination of housing benefits.

DMMHA will distribute a notice of VAWA rights (form HUD-5380), along with the VAWA self-certification form (HUD-5382), in each of these three instances.

16-VI.E. DOCUMENTATION (24 CFR 5.2007)
When presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse, DMMHA will request that the individual making the claim document the abuse by providing one of the following:
(1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record showing that the applicant or participant has been a victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

DMMHA may not require third-party documentation (forms 2 and 3 above) in addition to certification (form 1 above), except as specified below under “Conflicting Documentation,” nor may the DMMHA require certification in addition to third-party documentation [VAWA 2005 final rule].

Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. [24 CFR 5.2007(a)]. DMMHA may, in its discretion, extend the deadline for an additional 10 business days. In determining whether to extend the deadline, DMMHA will consider factors that may contribute to the victim’s inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim’s need to address health or safety issues. Any extension granted by the DMMHA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

If presented with conflicting certification documents from members of the same household, the DMMHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If DMMHA does not receive third-party public housing within the required timeframe (and any written DMMHA-approved extensions), DMMHA will deny VAWA public housing protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, DMMHA will hold separate hearings for the applicants or tenants.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for public housing protection under VAWA, DMMHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as DMMHA may allow in writing, DMMHA may deny relief for protection under VAWA.
16-VLF. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to DMMHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be retained in confidence. This means that DMMHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the victim in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law, as determined by DMMHA following consultation with DMMHA legal counsel.

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, as determined by DMMHA following consultation with DMMHA legal counsel, DMMHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.