Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

THE DMMHA

The City of Des Moines, Iowa Municipal Housing Agency (DMMHA) receives its funding for the Section 8 program managed by DMMHA Section 8 from the U.S. Department of Housing and Urban Development (HUD). DMMHA is not a federal department or agency, and rather operates as a public housing 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. DMMHA enters into an Annual Contributions Contract with HUD to administer the housing program requirements on behalf of HUD. DMMHA must ensure compliance with federal laws, regulations and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about DMMHA and its programs with emphasis on the SECTION 8 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: The Public Housing Agency (PHA). This part includes DMMHA’s programs, commitment to ethics and DMMHA’s Code of Conduct.

Part II: The Section 8 Program. This part contains information about the Housing Choice Voucher (Section 8) program operation, roles and responsibilities, and partnerships.

Part III: The Section 8 Administrative Plan. This part discusses the purpose and organization of the Section 8 administrative plan and its revision requirements.

All references to the PHA or Agency in this Administrative Plan document are referring to the Des Moines Municipal Housing Agency (DMMHA).
PART I: THE PHA

1-I.A. DMMHA’S PROGRAMS

The following programs are included under this administrative plan:

- Section 8 Program
- Congregate Housing
- Shared Housing
- Manufactured Home
- Housing Choice Voucher (HCV)
- HCV Homeownership
- Veterans Administration Supportive Housing
- Non-Elderly Disabled Designated Voucher Program
- Family Unification Program
- Project Based Vouchers
- Family Self-Sufficiency (FSS) program, except where specifically stated otherwise (see also Family Self-Sufficiency Action Plan).

1-I.B. DMMHA’S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, DMMHA is committed to providing excellent service to Section 8 program participants – families and owners – in the community. DMMHA’s standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance 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 equal 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 the DMMHA’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 the DMMHA’s support systems and a high level of commitment to agency staff and their development.

• The DMMHA per Iowa Code Section 554D.108 provides that a record or signature shall not be denied legal effect or enforceability solely because it is in electronic form. The DMMHA shall accept electronic signatures as a part of doing business.

• Make every effort to keep program participants informed of SECTION 8 program rules and regulations, and to advise participants of how the program rules affect them.

1-I.C. DMMHA’S CODE OF CONDUCT

DMMHA is committed to conducting its business ethically and in compliance with all federal, state and local laws and regulations. The DMMHA will maintain and update as appropriate written guidance on employee and organizational responsibilities related to compliance. All staff of the DMMHA will comply with the Code of Business Conduct and Ethics of the City of Des Moines as well as those mandated under the Housing Choice Voucher Program.

A. Conflict of Interest.

This includes compliance with the conflict of interest requirements of the Housing Choice Voucher Program under 24 CFR 982.161. The conflict of interest requirement prohibits DMMHA or any of its contractors or subcontractors from entering into any contract or arrangement in connection with the tenant based programs in which any of the following classes or persons have any interest, direct or indirect, during tenure or for one year thereafter:

(1) any present or former member or officer of the PHA (except a participant commissioner);

(2) any staff of the PHA, or any contractor or subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs;

(3) any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; and,

(4) any member of the Congress of the United States.

Any members of the classes described in the above Section must disclose their interest or prospective interest to DMMHA and to HUD. DMMHA annually requests employees to complete an employee disclosure form as required by the Employee Conflict Policy, as stated below. The HUD field office may waive for good cause the conflict of interest prohibition under this Section.

All DMMHA officers, staff, contractors, subcontractors or agents will comply with all requirements that prohibit the solicitation or acceptance of gifts or gratuities, in excess of a nominal value as required under Policy 1.12 of the City of Des Moines Administrative manual.
Failure to comply with 24 CFR 982.161 and/or Policy 1.12 of the City of Des Moines Administrative manual may result in disciplinary action up to and including termination. It also could result in referral for civil or criminal prosecution, and/or suit by the City to recover any losses or damages resulting from the violation. In addition, disciplinary action may be applied to any officer, supervisor, or manager who directs or approves violations, or has knowledge of them, or reasonably should have had knowledge of them, and does not move promptly to correct them.

B. Employee Conflict Policy

In addition to regulations in Section A above, DMMHA employees shall not have any involvement of any nature whatsoever, either direct or indirect, with any client file, agency contract, or maintenance repair that involves any member of their family or any relative (by blood or marriage). This includes but is not limited to:

- a) No work on the file or contract.
- b) No access to the file or contract documents.
- c) No discussion with any staff about the file or contract.
- d) No input into the administration or management of the file or contract.
- e) No maintenance repairs made to units that family or relatives live in.

If it is determined during the processing or administration of any file or contract or needed maintenance repair that a member of the employee's family or a relative is involved, the employee shall immediately notify their supervisor and personally deliver the file and all other information to their supervisor or, in their absence, the DMMHA Assistant Director. Employees are required to fill out an annual statement disclosing the names of all persons related to them by blood or marriage having any business with DMMHA. Failure to disclose a relationship with a client or contractor may result in disciplinary action up to and including termination.

PART II: THE SECTION 8 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 Section 8 Program or “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 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 SECTION 8 program.

The Section 8 program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the Section 8 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 Section 8 program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the Section 8 program.

1-II.B. SECTION 8 PROGRAM BASICS

The purpose of the Section 8 program is to provide rental assistance to eligible families. The rules and regulations of the Section 8 program are determined by HUD. The DMMHA is afforded choices in the operation of the program which are included in the DMMHA’s administrative plan, a document approved by the Municipal Housing Governing Board.
The Section 8 program offers mobility to eligible families because they may search for suitable housing anywhere in the DMMHA’s jurisdiction and may also be eligible to move to other PHAs’ jurisdictions.

When a family is determined to be eligible for the program and funding is available, the DMMHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, the DMMHA 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 has been determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The DMMHA continues to make payments to the owner as long as funding remains available, the family is eligible, and the housing unit continues to qualify under the program.

1-IIC. THE SECTION 8 PARTNERSHIPS

To administer the Section 8 program, the DMMHA enters into a contractual relationship with HUD (Consolidated Annual Contributions Contract). The DMMHA also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

The chart on the following page illustrates key aspects of these relationships.
The SECTION 8 Relationships:

- Congress Appropriates Funding
- HUD Provides Funding To PHA
- Program Regulations and ACC specify PHA Obligations and Voucher Funding
- PHA Administers Program
- Voucher specifies Family Obligations
- Housing Assistance Payments (HAP) Contract specifies Owner and PHA Obligations
- Lease specifies Tenant and Landlord Obligations
- Family (Program Participant)
- Owner / Landlord
**What Does HUD Do?**

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement Section 8 housing program legislation passed by Congress;
- Allocate Section 8 program funds to PHAs;
- Provide technical assistance to PHAs on interpreting and applying Section 8 program requirements;
- Monitor PHA compliance with Section 8 program requirements and PHA performance in program administration.

**What Does the DMMHA Do?**

The DMMHA administers the SECTION 8 program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicant families to determine whether applicants are eligible for the program;
- Maintain waiting list and select families for admission;
- Issue voucher 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, the DMMHA’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.
  - The DMMHA 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 the DMMHA;
- 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 the DMMHA with complete and accurate information as determined by the DMMHA 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 the DMMHA;
- Allow the DMMHA 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 the DMMHA 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 owner interest in the unit;
- Promptly notify the DMMHA 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 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
• 24 CFR Part 35: Lead-Based Paint
• 24 CFR Part 100: The Fair Housing Act
• 24 CFR Part 983: Project-Based Vouchers
• 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)

PART III: THE SECTION 8 ADMINISTRATIVE PLAN

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

The Section 8 Program administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the program in a manner consistent with HUD requirements and local goals and objectives contained in the DMMHA’s agency plan. This administrative plan is a supporting document to the DMMHA agency plan, and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define the DMMHA’s local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the Section 8 Program not addressed in this document are governed by such federal regulations 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.

The DMMHA is responsible for complying with all changes in HUD regulations pertaining to the Section 8 program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the Section 8 program and the functions and responsibilities of DMMHA staff shall be in compliance with HUD’s regulations as well as all federal, state and local fair housing laws and regulations.

1-III.B. UPDATING AND REVISING THE PLAN

The DMMHA will revise this administrative plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by Municipal Housing Governing Board, the pertinent Sections included in the Agency Plan, and a copy provided to HUD.
The DMMHA will review and update the plan at least once a year, and more often if needed, to reflect changes in regulations, DMMHA operations, or when needed to ensure staff consistency in operation.