

Chapter 1

STATEMENT OF POLICIES

The Housing Choice Voucher (Section 8) Program was enacted as part of the Housing and Community Development Act of 1974 (the “Act”), which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, are described in and implemented throughout this Administrative Plan. The Housing Choice Voucher Program is federally funded and administered for the city of Seattle by the Housing Authority of the city of Seattle (“Seattle Housing Authority” or “SHA”) through its PorchLight office at 907 NW Ballard Way, Suite 200, Seattle, Washington, 98107 (“PorchLight”).

The jurisdiction of SHA is the city of Seattle.

A. Seattle Housing Authority Mission, Values, and Guiding Principles

Mission

Our mission is to enhance the Seattle community by creating and sustaining decent, safe, and affordable living environments that foster stability and increase self-sufficiency for people with low incomes.

Values

As stewards of the public trust, we pursue our mission and responsibilities in a spirit of service, teamwork and respect. We embrace the values of excellence, collaboration, innovation and appreciation.

Guiding Principles

The following Guiding Principles for SHA were established by the SHA Board of Commissioners in April, 2001:

1. Expand the availability of housing for low-income people;
2. Embrace the principles of excellent customer service in the administration of SHA programs;
3. Ensure the long-term viability of SHA’s housing stock;
4. Maximize efficiency in delivering maintenance and management services;
5. Implement strategies that will reduce dependency on federal funding;
6. Be positioned to respond effectively and responsibly to change;
7. Contribute to building strong neighborhoods in Seattle;
8. Assist SHA families in achieving their personal goals;
9. Build, support and respect an excellent SHA work force; and
10. Exercise fiscal soundness in the pursuit of SHA programs and activities.

B. Moving to New Ways/Move to Work Plan [24 CFR 982.54]

In 1999, SHA executed a Move to Work (MTW) Contract with HUD providing it with broad authority to implement changes to the Housing Choice Voucher Program that would have the effect of increasing housing choice for families, increasing family self-sufficiency, and decreasing administrative cost of the program. In 2008, SHA executed an Amended and Restated Moving to Work Agreement which is in effect until December 31, 2018.*

SHA has used its Move to Work authority to consider and implement a variety of alternatives to HUD-required program features. A table summarizing SHA's Move to Work Housing Choice Voucher Program features compared to HUD/QWHRA program features is provided in the Appendix.

SHA is responsible for complying with all HUD regulations pertaining to the Housing Choice Voucher Program unless authority to establish alternative policies and procedures is conferred by the SHA Move to Work Agreement and the annual SHA Move to Work Plan. This Administrative Plan is a supporting document to the SHA Annual Move to Work Plan, and is available for public review as required by 24 CFR Part 903.

C. Administrative Fee Reserve [24 CFR 982.54(d)(21)]

Expenditures from the Administrative Reserve (Operating Reserve) for non-Move to Work vouchers, for housing purposes other than the costs of implementing the Section 8 Program, shall not exceed \$100,000 per occurrence nor more than 50 percent of the reserve balance, for each fiscal year without the prior approval of the SHA Board of Commissioners or its Executive Director.

SHA's Section 8 Administrative Reserve is intended to fund program administrative expenses in excess of fees earned during the current fiscal year. Other uses may be approved subject to limitations established by HUD regulations. The Administrative Reserve is separate from SHA's Section 8 Project Reserve which can be used to fund HAP payments in excess of subsidies received in the current fiscal year, or for other purposes allowed under SHA's MTW agreement with HUD.

D. Fair Housing Policy [24 CFR 982.54(d)(6)]

It is the policy of the Seattle Housing Authority to comply fully with all federal, state, and local non-discrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

SHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Housing Choice Voucher Program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, or sexual orientation.

* Wording updated September 2009

To further its commitment to full compliance with applicable civil rights laws, SHA will provide information on federal, state, and local regulations and ordinances to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. The information will include the names of government offices which take complaints and perform investigations, including HUD's Office of Civil Rights and the City of Seattle's Office for Civil Rights. Such information will be made available during the family briefing session, and all applicable Fair Housing information and discrimination complaint forms will be made a part of the voucher holder's briefing packet and available upon request at the front desk at PorchLight and the Wakefield Building, SHA's headquarters, at 120 6th Avenue N., Seattle, Washington 98109.

All PorchLight staff will receive training about the importance of affirmatively furthering Fair Housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout PorchLight, including in the lobby and interview rooms, and the equal opportunity logo will be used on all outreach materials.

Whenever possible, PorchLight staff will attend local Fair Housing update training sponsored by HUD and other local organizations to keep current with new developments.

Accessibility to Persons with Disabilities

Seattle Housing Authority's offices are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the Washington State Relay Service (TTY).

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because SHA's facilities are inaccessible to or unusable by persons with disabilities.

E. Owner Outreach [24 CFR 982.54(d)(5)]

SHA encourages owners of decent, safe and sanitary housing units to lease to Housing Choice Voucher families. To this end, SHA may:

1. Create and distribute informational materials about the Housing Choice Voucher Program specifically for potential landlords;
2. Establish a landlord advisory group including both for-profit and non-profit housing providers, that will advise SHA on matters of concern to landlords in the operation of SHA's Housing Choice Voucher Program;
3. Distribute an owner's newsletter including updates on program guidelines and opportunities for landlords to benefit from the Housing Choice Voucher Program;
4. Provide training in crime prevention, landlord-tenant law, Fair Housing, and other property management issues of interest to owners of assisted properties;
5. Make presentations at local associations of for-profit and non-profit owners describing the benefits of participating in the Housing Choice Voucher Program;

6. Conduct surveys of owners to determine their satisfaction and priorities for improvements in the operation of the Housing Choice Voucher Program;
7. Establish policies which encourage Housing Choice Voucher Program participants to act responsibly in their relationship with their landlords;
8. Establish policies which reward “high performing” landlords for consistently responsible participation in the Housing Choice Voucher Program and high quality service to assisted tenants; and
9. Review all proposed new policies or modifications of current policies and procedures for their potential impact on participating owners.

SHA encourages owners to list vacant units with SHA, and updates this list weekly. Available vacancy listings are compiled by SHA staff by bedroom size and made available at PorchLight and on the SHA Web site.

Policy Regarding Encouraging Owners of Units Outside Areas of Poverty or Minority Concentration

SHA encourages program participation by owners of units located outside areas of poverty or minority concentration. SHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

Voucher holders are informed of a broad range of areas where they may lease units inside or outside SHA's jurisdiction and given a list of landlords who are willing to lease units to Housing Choice Voucher participants. This includes a list of non-profit housing groups who have properties outside areas of poverty and minority concentration, and properties subsidized by the Low Income Housing Tax Credit Program with an obligation to notify SHA of the availability of their units.

F. Reasonable Accommodations Policy [24 CFR 100.202]

SHA's policies and practices are designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the Housing Choice Voucher Program.

It is applicable to all situations described in this Administrative Plan, including when a family initiates contact with SHA, when SHA initiates contact with a family, and when SHA schedules or reschedules appointments of any kind.

Definition of Disability [24 CFR 5.403]

A person with a disability is defined as an individual who:

1. Has a disability as defined in Section 223 of the Social Security Act;
2. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or
3. Is determined to have a physical, mental, or emotional impairment that is expected to be

of long-continued and indefinite duration; and:

- a) A physical or mental impairment that substantially limits one or more of the major life activities of an individual; and
- b) A record of such impairment; or
- c) Being regarded as having such an impairment.

Note: This is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated Drug Users and Alcoholics

Rehabilitated former drug users and alcoholics are covered under this policy.

However, a current drug user is not covered. In accordance with 24 CFR Part 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.

However, individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Policy on Live-In Aides

A family may include a live-in aide provided that such live-in aide:

1. Is determined by SHA to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities;
2. Is not obligated for the support of the person(s);
3. Would not be living in the unit except to provide care for the person(s);
4. Is qualified to serve as a live-in aide (i.e., is of an age and level of health capable of carrying out the duties one would expect to be associated with providing personal care to another individual); and
5. Has acceptable criminal history.

Additionally, the following requirements apply to Live-In Aides†

1. SHA may not approve an unidentified live-in aide, nor a larger unit than the family qualifies for under the SHA's subsidy standards for an unidentified live-in aide. An additional bedroom for a live-in aide will not be allocated for a family unless a specific person has been approved by SHA.
2. Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides.
3. SHA may not approve a live-in aide if that person does not keep the subsidized unit as their primary residence.

A live-in aide is treated differently than family members, in that:

† These requirements were added after reviewing HUD Notice PIH 2009-22 in September 2009.

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits;
2. Live-in aides are not subject to Non-Citizen Rule requirements; and
3. Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A live-in aide may only reside in the unit with the approval of SHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of a family member who is elderly, near-elderly (age 50 to 61) or disabled.

SHA will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter 1 of this Administrative Plan.

At any time, SHA may refuse to approve a particular person as a live-in aide or may withdraw such approval if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. The person commits drug-related criminal activity or violent criminal activity, or is a sex offender currently subject to a registration requirement; or
3. The person currently owes rent or other amounts to SHA or to another public housing authority in connection with Housing Choice Voucher Program or public housing assistance under the 1937 Act. Approval may be given at the discretion of SHA, if the proposed person pays off the amount owed or enters into a repayment agreement with the appropriate housing authority. SHA reserves the right to deny assistance at any time in the future if the live-in aide does not comply with the terms of the repayment agreement.

SHA shall conduct a criminal background check for live-in aides proposed by applicants, and shall withhold approval if the review of criminal history discloses a record of activity that would cause denial of an application if the live-in aide applied for housing assistance on his or her own behalf.

Different Treatment Only on Request

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of his or her disability before SHA will treat a person differently than anyone else. The option to request an accommodation will be made known by including notices on SHA application guides, handbooks, forms and letters and on notices posted throughout PorchLight.

Identifying and Responding to Requests for Accommodation

Requests for accommodation may first be expressed as complaints. When presented with a complaint that a particular PorchLight feature or process is inaccessible to a person with a disability, SHA staff will ask the person complaining if he or she wishes to request an accommodation.

SHA staff presented with a verbal request for an accommodation may either grant the request outright, if it is customary or relatively simple to do so (i.e., re-issue a letter in large type, or conduct a one-on-one application workshop at PorchLight), or shall invite the person requesting the accommodation to put the request in writing for further consideration and formal response. Staff shall provide assistance with the written request if asked to do so.

Certification of the Presence of a Disability

An individual who requests an accommodation must certify in writing that he or she is a person with a disability according to the definition of disability cited above.

The written request must contain the writer's own certification of the presence of a disability meeting the definition described above, and a description of the requested accommodation, along with any acceptable alternatives the writer may be able to identify in advance.

Written requests for an accommodation based on the presence of a disability shall be given to the SHA staff person working with the client requesting the accommodation. Most requests require the completion of SHA-approved forms, which are used to verify information provided in the request. SHA staff will provide these forms at the time of the client's request for an accommodation. The staff person will forward the request to his or her supervisor, who will review and respond to the request.

Verification of Disability

SHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

After the individual requesting an accommodation certifies that he or she is a person with a disability meeting the definition above, SHA will require that a professional third party competent to make the assessment provide written verification of the following:

1. The presence of a disability which meets the definition above; and
2. The assertion that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

Role of Advocates

Reasonable accommodation will be made for a person with a disability who requires an advocate to participate in any PorchLight procedure, including application workshops, issuance

interviews, briefings or orientations, or other meetings. A designee will be allowed to provide some information on behalf of the applicant or participant with a disability, but only with the permission of the person with the disability.

Undue Financial or Administrative Burden

If SHA finds that the requested accommodation creates an undue administrative or financial burden, SHA will deny the request and/or present an alternate accommodation that will still meet the need of the person.

1. An undue administrative burden is one that requires a fundamental alteration of the essential functions of SHA (e.g., waiving a family obligation).
2. A requested accommodation that creates an undue financial burden is one that, when considering the available resources of the agency as a whole, would pose a severe financial hardship on SHA.

Responding to a Request for Accommodation

SHA staff shall not deny a request for accommodation until the SHA General Counsel has reviewed the request and made the decision to deny it.

SHA will provide a written decision to the person requesting the accommodation within 30 days of receipt of the individual's written request for the accommodation. The written response shall include information on how to appeal the denial.

Appeal of Denial for an Accommodation

If a person is denied the accommodation and/or feels that the alternate suggestions are inadequate, he or she may request an informal hearing to review SHA's decision by sending a written request to the attention of the SHA General Counsel within 30 calendar days of the date of SHA's written response to his or her original request.

Responsibility:

Under the general supervision of the General Counsel, Director of Advocacy and Rental Assistance, Director of Housing Operations and Deputy Executive Director. Managers and Supervisors are responsible for implementing policies and procedures.

Procedure:

SHA will provide reasonable accommodation, upon request, to prevent an otherwise qualified individual with a disability from being excluded from the participation in or denied the benefit under any SHA program. Copies of all requests for accommodation shall be kept in the applicant/participant file. All ADA requests, not approved by Section 8 Manager are referred to Legal Counsel and are tracked through that department.

Information is given during the orientation and during interviews, with applicants and participants, regarding their right to reasonable accommodation.

1. The interviewer shall assess the accommodation that the applicant/participant may require by completing the SHA-1003PL, Request for Accommodation form. (Exhibit 1).
2. If the head of household indicates the need for a special accommodation, the interviewer shall verify his or her need by having the applicant sign and authorize the release of information on the “Verification of Disability and Verification of Need” SHA 967PL form. (Exhibit 2) The interviewer shall submit the form to the appropriate health care professional (s) for completion.
3. When the application is completed, and the professional verification of need for accommodation is received, the interviewer shall determine and note in the applicant’s file whether there are any special needs and forward the file to their Supervisor. If additional information is needed the Supervisor will specify what is needed.
3. Once the information is received and the nature of the accommodation is determined, SHA will either provide the accommodation or forward the file the Section 8 Manager.
4. The Section 8 Manager will review the file, approve the request or identify, with the applicant/participant alternative accommodations that would enable the client to receive benefits and services of the program.
5. In the event the file is not approved, the Section 8 Manager shall forward the request together with appropriate correspondence and documentation to the General Counsel and ADA/504 Committee for its consideration. The ADA/504 Committee will follow its procedures for reasonable accommodation requests.
6. The General Counsel/ADA Committee will respond in writing the results or progress of the initial request.

G. Privacy/Confidentiality/Use of Personal Identifiers [24 CFR 982.551 and 24 CFR 5.212]

Requirement to Release Information

Applicants and participants, including all adults in their households, are required to sign the HUD Form 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD and SHA will release family information.

As specified on HUD Form 9886, HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. HUD may disclose information (other than tax return information) for certain routine uses, such as to other government agencies for law enforcement purposes, to federal agencies for employment suitability purposes and to housing authorities for the purpose of determining housing assistance.

SHA is also required to protect the income information it obtains in accordance with any applicable state privacy law. HUD and SHA employees may be subject to penalties for unauthorized disclosures or improper uses of the income information that is obtained based on the consent form.

Private owners may not request or receive information authorized by this form.

Protection of Applicant and Participant Personal Information

SHA's policy is to protect the privacy of applicants and participants. Except when responding to requests from HUD, law enforcement agencies, or governmental investigating agencies, health or building departments or responding to subpoenas and court orders, SHA staff will not disclose whether or not an individual is an applicant or a participant, or reveal any information about a family without their consent.

SHA staff shall consider the sensitivity of personal information at all times when communicating with applicants, participants, or their representatives (advocates, translators, or family members). Every effort shall be made to conduct conversations about applicants' and participants' personal information in such a way that third-parties are unlikely to overhear them.

SHA Not a Business Associate Under HIPAA

The SHA Housing Choice Voucher Program shall not share personal information protected by the Health Information Portability and Accountability Act (HIPAA) with any other party, and therefore is not a Business Associate under the Act.

SHA shall not provide verification of medical deductions to other housing authorities as part of the information provided for voucher holders porting out. SHA will not share health-related information with owners or managers of project-based buildings. All health-related information provided by any applicant or participant will be safeguarded and will not be shared with any third party except as required by law enforcement and other regulatory authorities.

All requests for information that are not specifically released to a third-party by the individual to whom it relates will be forwarded to the SHA Legal Department for action.

Responding to Requests for Status Updates

SHA staff will take reasonable precautions to safeguard the personal information of applicants and participants, without creating barriers that make it more difficult for applicants and participants to communicate with PorchLight.

Individuals who visit PorchLight in person on their own behalf will be presumed to be who they say they are if they can provide personal identification.

Personal identification will be required of any walk-in visitor to PorchLight who is requesting information relevant to any Section 8 application or participating household to confirm they are a legitimate concerned party. Individuals must be able to show positive identification of who they are representing themselves to be (participant, landlord, or service provider with release of information on record) before SHA staff will acknowledge status of any program participation or share any information (verbally, electronically, or in written documentation).

Acceptable forms of personal identification include the following:

1. State drivers license;
2. State-issued picture identification;
3. Photo identification bank card with signature on back; and
4. Other photo identification of official entity such as a school or business.

Individuals who call PorchLight to request status updates will be presumed to be who they say they are if they can provide a name, address, and Social Security Number that matches the information in SHA's records.

Translators and Advocates

SHA staff may assume that translators and advocates, including adult family members, who accompany applicants and participants in person have the applicants' or participants' permission to witness confidential conversations and documents.

SHA staff may assume that translators and advocates who telephone on behalf of an applicant or participant and represent that the applicant or participant is there with them at the time of the telephone call, have the applicants' or participants' permission to conduct the conversation.

Staff, however, shall exercise caution in conducting such conversations on the telephone, and may request additional personal identifiers from the caller to verify that he or she is in fact present in the room with the applicant or participant, or refrain from disclosing highly sensitive information (e.g., denial based on a criminal record, or response to a request for an accommodation based on the presence of a disability), offering instead to send a letter with the requested information to the applicant or participant directly.

SHA staff shall not discuss personal information about an applicant or participant with an advocate or family member when the applicant or participant is not present, without a written, signed and dated request by the applicant or participant giving SHA permission to do so. The written request shall identify the specific persons or agency with whom the personal information may be discussed.

SHA shall exercise caution in conducting personal conversations on the telephone with advocates, and may take such steps as are reasonably necessary to confirm the identity of the advocate.

Domestic Violence

An applicant or participant may request that no information be provided to a current or former spouse or partner, because of domestic violence or harassment related to a domestic conflict (e.g., child custody dispute). In such cases, staff shall note this in the file and computer records, and make every effort not to disclose information about the applicant or participant to any third-party, regardless of the relationship claimed.

Staff shall inform applicants and participants who make such a request that it will not apply to requests from HUD or law enforcement, or other governmental agencies authorized by SHA's General Counsel to secure confidential information about them.

Retention of Information Relating to a Disability

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as-needed" basis in cases where an accommodation is under consideration.

Retention of Criminal Background Checks

The results of criminal background checks shall also be maintained in a separate file in a secure location, marked "confidential." The personal information in this file must not be released except on an "as-needed" basis, to defend against an appeal of an SHA determination, to deny admission to the program, or terminate assistance under the policies outlined in this Plan. Criminal check information shall be destroyed one year from the date of an admissions decision based on it.

Forwarding Addresses; Information Necessary to Collect Delinquent Accounts

Unless a privacy request is made by the voucher holder, SHA will provide information on forwarding addresses for current and former participants to police or other governmental authorities, previous landlords, and other public housing authorities, upon request by those parties.

Regardless of any privacy request on record, information regarding delinquent residents/participants may be exchanged when it is deemed in the interest of SHA and its collection effort.

Requests by Governmental Agencies and Attorneys to View, Copy, or Remove Documents

Requests by law enforcement agencies to view, copy or remove documents shall be made to the SHA General Counsel.

Public Disclosure Law

All requests for personally identifiable information about applicants and participants under the Freedom of Information Act or any other public disclosure law shall be referred to the SHA General Counsel.

Use of Personal Identifiers (Social Security Numbers)

SHA is required to collect proof of Social Security Number from all applicants and participants who have been assigned a Social Security Number‡. SHA uses Social Security Numbers as the

‡ Except existing program participants as of 3/1/10, who are 62 years of age or older, and had not previously disclosed a valid SSN. 24 CFR 5.216(e)(1) and HUD Notice PIH 2010-3 (HA).

primary, unique identifier of applicants and participant records. However, SHA shall take every precaution it reasonably can to prevent disclosure of applicant or participant Social Security Numbers to third-parties not authorized to have access to them.

SHA will not include Social Security Numbers on correspondence mailed to the applicant's or participant's address.

SHA will shred all documents containing personal identifiers, including Social Security Numbers, before disposing of them.

Including Social Security Numbers on Requests for Verification

SHA shall include Social Security Numbers on requests for verification of income or other household information submitted to governmental agencies and employers, on criminal background checks or credit checks, and on requests for verification of a disability submitted to medical professionals or other professionals authorized by the applicant or participant.

H. Conflict of Interest Policy

All SHA employees are bound by the conflict of interest policy outlined in the SHA Employee Handbook and the SHA Manual of Operations, Section E13. 2-1.