

II. DEFINITION OF TERMS USED IN THE NYS HCR SECTION 8 ADMINISTRATIVE PLAN:

1937 ACT: *United States Housing Act of 1937*

ADMINISTRATIVE FEE: *Fee paid by HUD to the PHA for administration of the program.*

ADMINISTRATIVE PLAN: *The document that describes PHA policies for administration of the tenant-based programs.*

ADULT: *An individual who is 18 years of age or older or a minor under the age of 18 who has been emancipated to act on his/her own behalf, including the ability to execute a contract or lease.*

AMERICANS WITH DISABILITIES ACT: *Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).*

ANNUAL INSPECTION: *See Section 23.01*

ANNUAL RECERTIFICATION: *Annual review of the participant's household income to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

APPLICANT or APPLICANT FAMILY: *A family that has applied for admission to a program but is not yet a participant in the program.*

BRIFING PACKET: *The information packet that families selected to participate in the housing choice voucher program receive during the briefing appointment.*

COMPLAINT INSPECTION: *See Section 23.01*

CONTINUOUSLY ASSISTED: *An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the certificate or voucher program.*

CREDIBLE EVIDENCE: *See Section 9.03.*

CURRENT FEDERAL MINIMUM WAGE: *The federal minimum wage at the time of the inquiry (as indicated by the US Department of Labor).*

DEPENDENT: *A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.*

DIFFERENT GENERATIONS: *Different generations are defined as “family members from different eras (i.e., grandparents/parents; parents/children, etc.)”*

DISABLED FAMILY: *A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides. (See Section 4.01)*

DISPLACED FAMILY: *See Section 4.01.*

DOMESTIC VIOLENCE: *Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.*

DOMICILE/UNIT: *The legal residence of the household head or spouse as determined in accordance with State and local law.*

DRUG-RELATED CRIMINAL ACTIVITY: *The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.*

ELDERLY FAMILY: *A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.*

EMERGENCY INSPECTION: *See Section 23.01*

EXCEPTION PAYMENT STANDARDS: *A PHA may request HUD approval of payment standard amounts higher or lower than the established 40th or 50th percentile FMR for designated parts of the FMR area (the “exception areas”). The exception payment standard amounts may be for all units in the exception areas, or for all units of a given bedroom size in these areas.*

EXTREMELY LOW-INCOME FAMILY: *A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.*

FAIR HOUSING ACT: *Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).*

FAIR MARKET RENT: *The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone).*

FAMILY GUEST: *A guest who resides in the unit for less than 30 days in a calendar year (see Section 4.02, page 4-2)*

FAMILY SELF-SUFFICIENCY PROGRAM: *The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.*

FEDERAL REGISTER: *The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.*

FISCAL YEAR. *The HCR Section 8 Program fiscal year commences on April 1 and ends on March 31.*

FORM 50058: *The HUD Form 50058 is used by PHAs to collect information on families who participate in Public Housing or Section 8 rental subsidy programs and is used to determine the participant family's continued eligibility for assistance.*

FRAUD: *The intentional, false representation (i.e., false written statements, altered or forged documents) or concealment of a material or material facts for the purpose of convincing another to act upon it to the presenters' benefit.*

HEAD OF HOUSEHOLD: *The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.*

HEARING OFFICER: *The hearing officer in the LA program is either of the following: a staff person who is at the Casework Supervisor level or above; the Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or an individual from outside the LA. (See Section 13.05).*

HOMELESS DEFINITION: Category 1: *An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:*

An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low- income individuals); or

An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

Category 4: Any individual or family who:

I. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and

II. Has no other residence; and

III. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

HOUSEHOLD: *All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.*

HUD-APPROVED HOUSING COUNSELING AGENCY: *A public or private nonprofit agency that has met the qualifying criteria for administering the HUD Housing Counseling Program.*

INFORMAL HEARING: *The LA will give a participant family an opportunity for an informal hearing to consider whether the following LA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and LA policies. (See Section 14.02).*

INFORMAL MEETING: *If the LA denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with LA staff to discuss the reasons for the denial (see Section 13.01).*

INFORMAL REVIEW: *The LA will give an applicant an opportunity for an informal review of the LA's decision denying assistance to the applicant. Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract.*

INITIAL INSPECTION: *See Section 23.01*

INITIAL PHA: *The term refers to both a PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and a PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.*

INTERIM RECERTIFICATION: *Interim review of the participant's household income (based on extenuating circumstances) to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

JURISDICTION: *The area in which the PHA has authority under State and local law to administer the program.*

LANDLORD: *See OWNER.*

LA NETWORK: *The HCR local programs that to assume day-to-day responsibility for administration of the HCV Program in its designated local area of operation. The divisions of responsibilities are detailed in a contract between HCR and each of its LAs.*

LEGAL DOMICILE: *See Section 1.17*

LIVE-IN AIDE: *A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s); is not obligated for the support of the person(s); and would not be living in the unit except to provide the necessary supportive services. Occasional, intermittent, multiple, or rotating care givers typically do not meet the definition of a live-in aide. Live-in Aides must be certified annually.*

MOBILITY COUNSELING: *A counseling program to help housing choice voucher recipients to find housing outside of minority and/or poverty concentrated areas.*

NON-RESIDENT: *Refers to an applicant who does not reside in the jurisdiction in which he/she is applying for housing choice voucher rental assistance.*

OVER-HOUSED: *Applicable to families residing in units where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

OWNER: *Any private person or entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.*

PARTICIPANT WITH OR WITHOUT CHILDREN: *See Section 4.01.*

PAYMENT STANDARDS: *The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).*

PORTABILITY: *Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.*

PRE-MERGER CERTIFICATE OR VOUCHER PROGRAMS: *The Section 8 programs that were administered prior to enactment of the Quality Housing and Work Responsibility Act of 1998 (QHWRA).*

PREMISES: *The unit subsidized or, in the case of a multiple dwelling, any area within the property that the housing unit is in.*

PREPONDERANCE OF EVIDENCE: *See Sections 1.09 and 9.03*

PROGRAM REPRESENTATIVE: *The HCR Statewide Section 8 Voucher Program designated liaison to the LA program.*

PROJECT: *For purposes of the PBV program, is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land so long as the contiguous parcels are owned by the same entity.*

PUBLIC HOUSING AGENCY: *Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.*

REASONABLE ACCOMMODATION: *A change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space. In order to show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. What is reasonable must be determined on a case-by-case basis.*

REASONABLE RENT: *The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider the location, quality, size, unit type, and age of the contract unit; and any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.*

RECEIVING PHA. *A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.*

RENT TO OWNER: *The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.*

ROOMMATE: *An individual, with or without dependent children, who is not a family member and is approved by the Local Administrator and by the landlord, provided that the voucher holder or the voucher holder's spouse occupies the unit as their only residence (see Section 4.02)*

SECTION 8 HOMEOWNERSHIP PROGRAM: *Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.*

SERVICE ANIMAL: *A service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.*

SINGLE PERSON: *See Section 4.01*

SPECIAL INSPECTION: *See Section 23.01*

STATEWIDE SECTION 8 NOTICES: *Policy and/or informational guidance notices issued by the NYS HCR Statewide Section 8 Voucher Program to the LA network.*

STATEWIDE SECTION 8 VOUCHER PROGRAM OFFICE: *The HCR Offices in Albany, New York; New York City, NY; and Syracuse New York where the day-to-day operations of the HCR Statewide Voucher Program are administered.*

SUBSIDY STANDARDS: *Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.*

SUPERVISORY INSPECTION: *See Section 23.01.*

SUSPENSION/TOLLING: *Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval of the tenancy, until the time when the PHA approves or denies the request.*

TOTAL TENANT PAYMENT: *The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected.*

UNDER-HOUSED: *Applicable to families residing in units where the actual number of bedrooms is fewer than the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

UTILITY ALLOWANCE: *The utility allowance for a family shall be the lower of:*

- (1) The utility allowance amount for the family unit size; or*
- (2) The utility allowance amount for the unit size of the unit rented by the family.*

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-

conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

VIOLENT CRIMINAL ACTIVITY: *Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.*

VOUCHER: *The voucher document is administered locally by a public housing agency (PHA) that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program. A family that is issued a housing voucher (HUD Form 52646) is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as defined by HUD and determined by the PHA.*

VOUCHER HOLDER: *The person or family to whom the voucher has been issued.*

WAITING LIST: *The LA program's list of eligible applicants awaiting availability of section 8 rental assistance.*

WEEKEND INSPECTIONS: *Unit/HQS inspections that have been scheduled between the LA program and tenant/participant that occur on a Saturday or Sunday in order to accommodate the participant's or landlord's' schedule or that are determined necessary by the LA program to observe conditions for quality control purposes.*