

<b>5-Year PHA Plan</b> <b>(for All PHAs)</b>	<b>U.S. Department of Housing and Urban Development</b> <b>Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226</b> <b>Expires: 02/29/2016</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

<b>A.</b>	<b>PHA Information.</b>																																				
<b>A.1</b>	<p><b>PHA Name:</b> <u>City of Buffalo Section 8 Program (Administered by BMHA)</u> <b>PHA Code:</b> <u>NY449</u></p> <p><b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/2016</u></p> <p><b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" data-bbox="191 1304 1446 1942"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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<b>B.</b>	<b>5-Year Plan.</b> Required for <u>all</u> PHAs completing this form.
<b>B.1</b>	<p><b>Mission.</b> State the PHA’s mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA’s jurisdiction for the next five years.</p> <p>The mission of the Buffalo Municipal Housing Authority is to provide quality, affordable, safe and sustainable housing opportunities, while promoting economic self-sufficiency for our residents.</p>
<b>B.2</b>	<p><b>Goals and Objectives.</b> Identify the PHA’s quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <p><b>HUD Strategic Goal: Increase the availability of decent, safe and affordable housing.</b></p> <p>PHA Goal: Expand affordable housing portfolio  Objectives:</p> <ul style="list-style-type: none"> <li>- Apply for additional housing choice vouchers.</li> </ul> <p>PHA Goal: Improve the quality of existing housing portfolio  Objectives:</p> <ul style="list-style-type: none"> <li>- Improve Housing Choice voucher management – SEMAP score</li> <li>- Broaden partnerships and collaborations with other affordable housing providers.</li> <li>- Continue to strengthen agency finances.</li> <li>- Continue to improve Housing Choice residential unit inspections.</li> <li>- Increase customer satisfaction.</li> </ul> <p>PHA Goal: Increase Affordable housing choices  Objectives:</p> <ul style="list-style-type: none"> <li>- Continue outreach efforts to potential Housing Choice voucher vendors</li> <li>- Continue voucher homeowners program</li> </ul> <p><b>HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals</b></p> <p>PHA Goal: Promote self-sufficiency and access to neighborhood assets for BMHA residents  Objectives:</p> <ul style="list-style-type: none"> <li>- Increase the number and percentage of employed persons in assisted families</li> <li>- Provide or attract supportive services to improve assistance recipients’ employability</li> <li>- Provide or attract services to increase independence for the elderly or families with disabilities</li> <li>- Increase educational and recreational programs for youth residential population</li> </ul> <p><b>HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans</b></p> <p>PHA Goal: Ensure equal opportunity and affirmatively further fair housing  Objectives:</p> <ul style="list-style-type: none"> <li>- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion, national origin, gender, familial status or disability</li> <li>- Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, gender, familial status or disability</li> <li>- Undertake affirmative action measures to ensure accessible housing to person with all varieties of disabilities regardless of unit size required</li> <li>- Continue efforts to create and promote mixed income communities</li> </ul>
<b>B.3</b>	<p><b>Progress Report.</b> Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.</p> <p>See Attachment “<b>B.3 Progress Report</b>”</p>
<b>B.4</b>	<p><b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA’s goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>See Attachment “<b>B.4 Violence Against Women Act (VAWA)</b>”</p>

<p><b>B.5</b></p>	<p><b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>The BMHA defines that a ‘substantial deviation and significant amendment or modification’ to our annual plan will occur if any policy change or budget amendment:</p> <ul style="list-style-type: none"> <li>-Changes the rent or admissions policies or organization of the waiting lists</li> <li>-Causes significant changes with regard to demolition or disposition, designation, homeownership programs, or conversion activities</li> </ul> <p>Any change fitting the above descriptions which is adopted as required by HUD regulatory authority is not considered to fall within this definition.</p>
<p><b>B.6</b></p>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y    N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<p><b>B.7</b></p>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

# Instructions for Preparation of Form HUD-50075-5Y 5-Year PHA Plan for All PHAs

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## A. PHA Information [24 CFR §903.23\(4\)\(e\)](#)

**A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table.

## B. 5-Year Plan.

**B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. ([24 CFR §903.6\(a\)\(1\)](#))

**B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

**B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))

**B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))

**B.5 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

### B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?

(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

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## B.3 Progress Report

BMHA has achieved the following objectives over the past 5 years:

### **HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.**

PHA Goals:

#### ***Expand the supply of assisted housing***

- Plan to convert presently unused Housing Choice Vouchers into Project Based Vouchers

#### **Improve the quality of assisted housing**

- Improve SEMAP score by contracting with a third-party HCV administrator experienced in HCV program management

#### **Increase assisted housing choices**

- Began lease-up of housing choice vouchers

### **HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals**

PHA Goals:

#### **Promote self-sufficiency and asset development of assisted households**

- BMHA was awarded a continuation of its Family Self Sufficiency and Service Coordinator Programs
- Established partnerships with various employment and training providers (Erie Community College, Buffalo Public Schools Adult Education Department, University of Buffalo Educational Opportunity Center, to service the BMHA residents
- Established a partnership with Buffalo Federation of Neighborhood Centers (BFNC) to provide case management services to the elderly and disabled
- Continue to aggressively enforce Section 3 regulations in order to provide employment opportunities to BMHA residents and promote business opportunities to resident owned business or to business employing BMHA residents

### **HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans**

PHA Goals:

#### **Ensure equal opportunity and affirmatively further fair housing**

- Continue to evaluate administrative plan to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability

- Continue to take affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability, such as marketing in newspapers that market to minorities and underprivileged communities:
- Continue to take affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required, such as; ensuring that all new construction complies with all applicable American with Disabilities Act (ADA) requirements

## Attachment B.4 Violence Against Women Act (VAWA)

# Violence Against Women Act Policy

## I. Purpose and Applicability

The purpose of this policy is to implement the applicable provisions of the Violence Against Women Act Reauthorization Act of 2013 (“VAWA”) and generally set forth the BMHA’s policy regarding domestic violence, dating violence, sexual assault, and stalking, as hereinafter defined.

This policy shall be applicable to the administration by the BMHA of its federally subsidized housing and Section 8 rental assistance programs, including but not limited to the Rural Housing Services Program, the Low-Income Housing Tax Credit Program, the McKinney-Vento Homeless Assistance Act Programs, the HOME Improvement Partnership Program, the United States Housing Act of 1937 Programs, Section 202 of the Housing Act of 1959 Programs, Cranston-Gonzalez National Affordable Housing Act Programs, HOPWA Programs, Section 236 of the National Housing Act Programs, and Section 221 Below Market Interest Rate Programs.

## II. Goals and Objectives

The main objective of this policy is to maintain compliance with all applicable legal requirements of VAWA. In order to assure such compliance, training of appropriate staff managing BMHA housing developments regarding this policy is imperative. The BMHA will seek to respond in accordance with this policy to reported incidents of domestic violence, dating violence, sexual assault, or stalking, including but not limited to providing housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking.

## III. Definitions

The following definitions in this Section apply only to this policy.

1. ***Affiliated Individual***: With respect to an individual:
  - a. A spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent); or
  - b. Any individual, tenant, or lawful occupant living in the household of that individual.
2. ***Bifurcate***: To divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.
3. ***Confidentiality***: The BMHA shall not enter into any shared database or provide to a related entity any information relating to incidents of domestic violence, including victim status, unless one of the exceptions listed in Section V of this policy applies.
4. ***Dating Violence***: Violence committed by a person:

- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim, and
  - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. the length of the relationship;
    - ii. the type of relationship; and
    - iii. the frequency of interaction between the persons involved in the relationship.
5. **Domestic Violence:** Any 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 cohabited 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.
6. **Perpetrator:** A person who commits an act of domestic violence, dating violence, sexual assault, or stalking against a victim.
7. **Sexual Assault:** Any nonconsensual sexual act proscribed by federal, tribal, or State law, including when the victim lacks capacity to consent, as prescribed in 42 U.S.C. 13925(a).
8. **Stalking:**
- a. (i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
  - b. In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.
9. **Victim:** A person who is object of actual or threatened domestic violence, dating violence, sexual assault, or stalking and who has provided appropriate certification, as stated in Section VI of this policy.

#### **IV. Confidentiality**

The BMHA shall keep all information provided to the BMHA confidential, including all incidents of domestic violence, dating violence, sexual assault, or stalking, and an individual's victim status. The BMHA will not enter any confidential information regarding all incidents of domestic violence, dating violence, sexual assault, or stalking, and an individual's victim status, into any shared database or to any related entity. The BMHA may disclose confidential information regarding all incidents of domestic violence, dating violence, sexual assault, or stalking, and an individual's victim status, when such disclosure is:

1. Requested or consented to by the victim in writing;
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law.

## V. Verification of Victim Status

The BMHA will request from any individual claiming victim status, certification that s/he is a victim of domestic violence, dating violence, sexual assault, or stalking and that the incidents in question are bona fide incidents of actual or threatened abuse that meets the requirements in the applicable definitions in this policy. Verification of a claimed incident(s) of actual or threatened domestic violence, dating violence, sexual assault, or stalking may be accomplished in one of the following ways:

1. Completed self-verification (HUD Form 91066 is to be used for Section 8 recipients that are claiming victim status and HUD Form 50066 is to be used for all other low-income subsidy recipients that are claiming victim status);
2. Police report;
3. Court record;
4. Written statement of an employee, agent, or volunteer of a victim service provider under penalty of perjury that it is the individual's belief that the incident or incidents in question are bona fide incidents of abuse;
5. Written statement of the victim's attorney under penalty of perjury that it is the attorney's belief that the incident or incidents in question are bona fide incidents of abuse; or
6. Written statement of victim's medical professional under penalty of perjury that it is the medical professional's belief that the incident or incidents in question are bona fide incidents of abuse.

The option of which acceptable methods of verification, as described above, to provide to the BMHA is in the discretion of the individual claiming victim status. The individual claiming victim status will have fourteen (14) business days from the date of the request by the BMHA to submit verification. Failure to provide verification, in proper form, within fourteen (14) business days results in loss of protection under VAWA and this policy against a proposed adverse action.

The BMHA's Executive Director or his/her designee may with respect to any specific case, waive the requirement for verification and provide the policy's benefits based on the victim's statement or other corroborating evidence. Waivers can be granted in the sole discretion of the BMHA's Executive Director or his/her designee. Any waiver must be in writing. A waiver in a particular instance or instances does not operate as precedent for, or create any right to a waiver in any other case or cases, regardless of similarity in circumstances.

## VI. Admissions and Screening

1. ***Denial of Assistance:*** The BMHA will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for admission.
2. ***Mitigation of Disqualifying Information:*** When requested by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic

violence, dating violence, sexual assault, or stalking, the BMHA may take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, the BMHA may conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence, dating violence, sexual assault, or stalking and its probable relevance to the potentially disqualifying information. The BMHA may disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

## **VII. Termination of Tenancy or Assistance**

Under VAWA, residents and persons assisted under the Housing Choice Voucher Program have the following specific protections:

1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking is not considered to be a “serious or repeated” violation of the lease by the victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
2. The BMHA will not terminate tenancy or assistance as a result of criminal activity that is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an affiliated individual of the tenant is the victim of the criminal activity. However, this protection is subject to the following limitations:
  - a. Nothing contained within this policy limits any authority of the BMHA or a Section 8 landlord to terminate, evict, or terminate assistance for any violation of a lease or program requirement not associated with the act or acts of actual or threatened domestic violence, dating violence, sexual assault, or stalking against the tenant or a member of tenant’s household.
  - b. Nothing contained within this policy shall be construed to limit the authority of the BMHA or a Section 8 landlord to evict or terminate from assistance any tenant or lawful applicant if the BMHA or Section 8 landlord can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property.

Notwithstanding anything in this policy or Federal, New York State, or local law to the contrary, the BMHA or a Section 8 landlord can bifurcate a lease or remove a head of household or household member from a lease without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of violence against others. Action can be taken against the perpetrator of violence without evicting, removing, terminating assistance to, or otherwise penalizing the victim of the violence who is also a household member or a lawful occupant.

## **VIII. Transfer**

1. ***Application for Transfer:*** The opportunity to transfer in public housing due to incidents of domestic violence, dating violence, sexual assault, or stalking is described in the BMHA's Admissions and Continued Occupancy Policy ("ACOP"). The opportunity to relocate in the Section 8 rental assistance program due to incidents of domestic violence, dating violence, sexual assault, or stalking is described in the BMHA Administrative Plan. With the exception of portability of Section 8 assistance, the decision to approve or disapprove a transfer shall be made in accordance with the ACOP or Administrative Plan, as applicable.
2. ***Portability:*** Notwithstanding the foregoing, a Section 8 assisted tenant will not be denied portability to a unit in another location (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect the health or safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

## **IX. Relationships with Service Providers**

The BMHA shall cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to domestic violence victims. If the BMHA staff becomes aware that an assisted individual is a victim of actual or threatened domestic violence, dating violence, sexual assault, or stalking, the BMHA will refer the victim to shelter or other service providers as appropriate. This policy does not create any legal obligation requiring the BMHA either to maintain a relationship with any particular shelter or service provider to victims of domestic violence or to make a referral in any particular case.

## **X. Notification**

The BMHA provides written notification to applicants, tenants, and Section 8 landlords concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance, and termination of tenancy or assistance.

## **XI. Relationship with other Applicable Laws**

This policy does not preempt or supersede any applicable provision of federal, New York State, or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, \_\_\_\_\_, the \_\_\_\_\_  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

\_\_\_\_\_ *PHA Name*  
City of Buffalo Section 8 Program (administered by the BMHA)

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of

Impediments (AI) to Fair Housing Choice of the

\_\_\_\_\_ *Local Jurisdiction Name*  
City of Buffalo

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date

<b>Streamlined Annual PHA Plan (HCV Only PHAs)</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226 Expires 02/29/2016</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HCV is to be completed annually by **HCV-Only PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, Small PHA, or Qualified PHA do not need to submit this form. Where applicable, separate Annual PHA Plan forms are available for each of these types of PHAs.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS and SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

A.	PHA Information.																																			
A.1	<p> <b>PHA Name:</b> <u>City of Buffalo Section 8 Program</u> <span style="float: right;"><b>PHA Code:</b> <u>NY449</u></span>  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/01/2016</u>  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Housing Choice Vouchers (HCVs)</b> <u>972</u>  <b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> <b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. </p> <p> <input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a joint Plan and complete table below) </p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Participating PHAs</th> <th style="width: 10%;">PHA Code</th> <th style="width: 25%;">Program(s) in the Consortia</th> <th style="width: 20%;">Program(s) not in the Consortia</th> <th style="width: 20%;">No. of Units in Each Program</th> </tr> </thead> <tbody> <tr> <td>Lead HA:</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	Lead HA:																													
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Lead HA:																																				

<b>B.</b>	<b>Annual Plan.</b>
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last Annual Plan submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Informal Review and Hearing Procedures.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification.</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p>
<b>B.2</b>	<p><b>New Activities</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers.</p> <p>(b) If this activity is planned for the current Fiscal Year, describe the activities. Provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.</p> <p>BMHA will consider the use of Project Based Vouchers to develop and preserve affordable housing.</p>
<b>B.3</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N N/A</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p> <p>See attached schedule of audit findings.</p>
<b>B.4</b>	<p><b>Civil Rights Certification</b></p> <p><a href="#">Form HUD-50077</a>, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>B.5</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>B.6</b>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in its 5-Year PHA Plan.</p> <p><b>See Attachment B.6 – Progress Report</b></p>

<b>B.7</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y    N  <input type="checkbox"/>   <input type="checkbox"/></p> <p>(a) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
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## Instructions for Preparation of Form HUD-50075-HCV Annual PHA Plan for HCV Only PHAs

**A. PHA Information.** All PHAs must complete this section. ([24 CFR §903.23\(4\)\(e\)](#))

**A.1** Include the full **PHA Name**, **PHA Code**, **PHA Type**, **PHA Fiscal Year Beginning** (MM/YYYY), **Number of Housing Choice Vouchers (HCVs)**, **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the public hearing and proposed PHA Plan.

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table. ([24 CFR §943.128\(a\)](#))

**B. Annual Plan.** All PHAs must complete this section. ([24 CFR §903.11\(c\)\(3\)](#))

**B.1 Revision of PHA Plan Elements.** PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.”

**Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income families who reside in the PHA’s jurisdiction and other families who are on the Section 8 tenant-based waiting list. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income), (ii) elderly families and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. ([24 CFR §903.7\(a\)\(1\)](#) and [24 CFR §903.7\(a\)\(2\)\(i\)](#)). Provide a description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. [24 CFR §903.7\(a\)\(2\)\(ii\)](#)

**Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for HCV. ([24 CFR §903.7\(b\)](#))

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA HCV funding and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. ([24 CFR §903.7\(c\)](#))

**Rent Determination.** A statement of the policies of the PHA governing rental contributions of families receiving tenant-based assistance, discretionary minimum tenant rents, and payment standard policies. ([24 CFR §903.7\(d\)](#))

**Operation and Management.** A statement that includes a description of PHA management organization, and a listing of the programs administered by the PHA. ([24 CFR §903.7\(e\)\(3\)\(4\)](#)).

**Informal Review and Hearing Procedures.** A description of the informal hearing and review procedures that the PHA makes available to its applicants. ([24 CFR §903.7\(f\)](#))

**Homeownership Programs.** A statement describing any homeownership programs (including project number and unit count) administered by the agency under section 8y of the 1937 Act, or for which the PHA has applied or will apply for approval. ([24 CFR §903.7\(k\)](#))

**Self Sufficiency Programs and Treatment of Income Changes Resulting from Welfare Program Requirements.** A description of any PHA programs relating to services and amenities coordinated, promoted, or provided by the PHA for assisted families, including those resulting from the PHA’s partnership with other entities, for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA’s partnerships with other entities, and activities under section 3 of the Housing and Community Development Act of 1968 and under requirements for the Family Self-Sufficiency Program and others. Include the program’s size (including required and actual size of the FSS program) and means of allocating assistance to households. ([24 CFR §903.7\(l\)\(i\)](#)) Describe how the PHA will comply with the requirements of section 12(c) and (d) of the 1937 Act that relate to treatment of income changes resulting from welfare program requirements. ([24 CFR §903.7\(l\)\(iii\)](#)).

**Substantial Deviation.** PHA must provide its criteria for determining a “substantial deviation” to its 5-Year Plan. ([24 CFR §903.7\(r\)\(2\)\(i\)](#))

**Significant Amendment/Modification.** PHA must provide its criteria for determining a “Significant Amendment or Modification” to its 5-Year and Annual Plan. Should the PHA fail to define ‘significant amendment/modification’, HUD will consider the following to be ‘significant amendments or modifications’: a) changes to rent or admissions policies or organization of the waiting list; or b) any change with regard to homeownership programs. See guidance on HUD’s website at: [Notice PIH 1999-51](#). ([24 CFR §903.7\(r\)\(2\)\(ii\)](#))

If any boxes are marked “yes”, describe the revision(s) to those element(s) in the space provided.

**B.2 New Activity.** If the PHA intends to undertake new activity using Housing Choice Vouchers (HCVs) for new Project-Based Vouchers (PBVs) in the current Fiscal Year, mark “yes” for this element, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake this activity, mark “no.” ([24 CFR §983.57\(b\)\(1\)](#) and Section 8(13)(C) of the United States Housing Act of 1937.

**Project-Based Vouchers (PBV).** Describe any plans to use HCVs for new project-based vouchers. If using PBVs, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan.

**B.3 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. ([24 CFR §903.11\(c\)\(3\)](#), [24 CFR §903.7\(p\)](#))

**B.4 Civil Rights Certification.** Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction’s initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. ([24 CFR §903.7\(o\)](#))

**B.5 Certification by State or Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, including the manner in which the applicable plan contents are consistent with the Consolidated Plans, must be submitted by the PHA as an electronic attachment to the PHA Plan. ([24 CFR §903.15](#))

**B.6 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year PHA Plan. ([24 CFR §903.11\(c\)\(3\)](#), [24 CFR §903.7\(r\)\(1\)](#))

**B.7 Resident Advisory Board (RAB) comments.** If the RAB provided comments to the annual plan, mark “yes,” submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA’s decision made on these recommendations. ([24 CFR §903.13\(c\)](#), [24 CFR §903.19](#))

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the Annual PHA Plan. The Annual PHA Plan provides a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 4.5 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

## **Attachment B.4(b) Audit Finding**

CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY449)

SCHEDULE OF FINDINGS AND QUESTIONED COSTS

Year Ended June 30, 2014

**II. Financial Statement Findings**

None

**III. Federal Award Findings and Questioned Costs**

**Finding 2014-001 (2013-001, 2012-01, 2011-01, 2010-01)**

**Program:** Housing Choice Voucher Program, CFDA #14.871  
**Federal Agency:** U.S. Department of Housing and Urban Development  
**Compliance Requirement:** Eligibility, PIC Reporting  
**Type of Finding:** Noncompliance, Material Weakness

***Condition/Context***

Testing of 40 Housing Choice Voucher tenant files for eligibility and PIC reporting purposes found issues in 20 files, which included the following:

- 8 files did not contain a general release form signed by all household members over 18 allowing the Program to obtain information from third parties.
- 3 files did not contain proof of dependency of certain household members when they were claimed as a dependent.
- 3 files did not contain completed quality control checklists.
- 1 file did not contain income verification.
- 1 file did not have the Declaration of 214 Status for each family member to document citizenship status.
- 1 file had a different HAP on the 50058 than the amount reported on the HAP register.
- 4 HUD-50058's were not located into the PIC system.
- 2 files were not uploaded into the PIC system within 60 days after the effective date.
- 2 files had critical key line items on the HUD-50058 form in the file that differed from the PIC system.

***Criteria***

24 CFR 5.508 requires each family member to submit evidence of citizenship or eligible immigration status under Section 214 of the Housing and Community Development Act of 1980 to the PHA. 24 CFR 982.516(a) states "The PHA must conduct a reexamination of family income and composition at least annually. The PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available: (i) reported family annual income; (ii) the value of assets; (iii) expenses related to deductions from annual income." 24 CFR 982.158 requires the Program to submit the HUD-50058 form electronically in PIC each time the Program completes a new HUD-50058 form for any action. PIH Notice 2011-65 issued on November 30, 2011 clarified the reporting requirements by stating the form must be submitted no later than 60 calendar days from the effective date of the HUD-50058.

**CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY 449)**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**  
**Year Ended June 30, 2014**

***Cause***

The Program did not follow established procedures as documented in their Administrative Plan to ensure that all documentation was collected prior to completing the HUD-50058 forms or that HUD-50058 forms are properly submitted into the PIC system on a timely basis.

***Effect***

The Program has not documented compliance with the HUD requirements of the Housing Choice Voucher program. This could result in ineligible tenants admitted to the program or incorrect HAP and tenant payments.

***Questioned Costs***

Unable to determine.

***Recommendation***

We recommend management review their procedures for obtaining tenant information for each recertification and submitting HUD-50058's into the PIC system timely and establish a method that ensures compliance with these requirements.

***Views of Responsible Officials and Corrective Action Plan***

The use of a BMHA established checklist continues to be required by all Section 8 staff to ensure all required documents are present. The annual recertification application has been revised in order to ensure collection of all data pertinent to each particular tenant. Staff continues to be trained on regulations during monthly meetings, and ongoing with the current administrator. An administrator reviews and signs all new HAP contracts to ensure required documents are collected during time of initial leasing. HCV program and MIS department will work together to possibly allow access for PIC uploading at site level to ensure timeliness of reporting and decrease errors on reports. The Administrator of Housing Assistance is responsible for this corrective action and the estimated completion date is June 30, 2015.

**CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY 449)  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
Year Ended June 30, 2014**

**Finding 2014-002 (2013-002)**

**Program:** Housing Choice Voucher Program, CFDA #14.871  
**Federal Agency:** U.S. Department of Housing and Urban Development  
**Compliance Requirement:** Annual Inspections, Quality Control Inspections, Failed Inspections  
**Type of Finding:** Noncompliance, Material Weakness

***Conditions/Context***

Testing of 40 Housing Choice Voucher files for annual purposes found issues in 37 files, which included the following:

- 35 out of 40 files did not document the annual HQS inspection, or the inspection was performed more than 1 year after the prior passed inspection.
- 12 files out of 40 did not contain a letter notifying the tenant of an inspection.
- 11 out of 40 files did not contain inspections that were performed within a year of the effective date.
- 3 files out of 40 did not contain a quality control checklist stating that an inspection had been performed.

Testing of 3 separate Housing Choice Voucher files for quality control inspection purposes found an issue in 1 file because the quality control inspection failed and it was not reinspected within 30 days as required by the Program's Administrative Plan.

Testing of 24 separate Housing Choice Voucher files failed for HQS purposes found issues in 14 files, which included the following:

- 3 files contained no documentation of the failed inspection.
- 10 files had failed inspections where the units were not reinspected within 30 days as required by the Program's Administrative Plan.
- 8 files did not document that HAP was abated when the unit did not pass the failed inspection within 30 days of the initial failed inspection.
- 4 files did not include letters notifying tenant of the inspection.

***Criteria***

The PHA must inspect units leased under the HCVP at the time of initial leasing and at least annually thereafter to ensure the units meet HQS. The PHA must also conduct supervisory quality control HQS inspections (24 CFR sections 982.305 and 982.405). For units under HAP contract that fail to meet HQS, the PHA must require the owner to correct any life threatening HQS deficiencies within 24 hours after the inspections and all other HQS deficiencies within 30 calendar days or within a specified PHA-approved extension. If the owner does not correct the cited HQS deficiencies within the specified correction period, the PHA must stop (abate) HAPs beginning no later than the first of the month following the specified correction period or must terminate the HAP contract. For family-caused defects, if the family does not correct the cited HQS deficiencies within the specified correction period, the PHA must take prompt and vigorous action to enforce the family obligations (24 CFR sections 982.158(d) and 982.404).

**CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY 449)  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
Year Ended June 30, 2014**

***Cause***

The Program did not follow established procedures as documented in their Administrative Plan to ensure that annual inspections were performed annually, quality control inspections were completed in compliance with regulations, failed inspections were corrected in the required timeframe, and HAP was abated if deemed appropriate.

***Effect***

The Program is not in compliance with HUD regulations.

***Questioned Costs***

Unable to determine.

***Recommendation***

We recommend that management review the Program's policy on annual, quality control, and HQS failed inspection procedures in order to establish a method that ensures compliance.

***Views of Responsible Officials and Corrective Action Plan***

As of May 19, 2014, BMHA entered into a contract with CVR and Associates to conduct all inspections. The contract is monitored by the administrator to ensure inspections are done in a timely manner. The contractor forwards all inspection reports and letters to the administrator so that there is documentation of inspections and correspondence for all files. Abatements are monitored and tracked by the administrator to ensure compliance. Having the contractor in place has ensured that BMHA is inspecting units annually and on time per regulations. The Administrator of Housing Assistance is responsible for this corrective action and the estimated completion date is June 30, 2015.

**Finding 2014-003**

<b>Program:</b>	<b>Housing Choice Voucher Program, CFDA #14.871</b>
<b>Federal Agency:</b>	<b>U.S. Department of Housing and Urban Development</b>
<b>Compliance Requirement:</b>	<b>Contract Rent Change/Administrative Plan</b>
<b>Type of Finding:</b>	<b>Noncompliance, Significant Deficiency</b>

***Conditions/Context***

Testing of 4 Housing Choice Voucher tenant files for rent reasonableness purposes found that 1 file did not contain a rent reasonableness determination performed even though the contract rent changed. A review of the Program's HCVP Administrative Plan noted the Program has not incorporated all required elements. For example, the section on reasonable rent does not indicate that the Authority is required to determine reasonable rent if the FMR in effect 60 days before a HAP contract anniversary decreased by at least 5%.

***Criteria***

The PHA must determine that the rent to owner is reasonable at the time of initial leasing. Also, the PHA must determine reasonable rent during the term of the contract: (a) before any increase in the rent to owner, and (b) at the HAP contract anniversary if there is a five percent decrease in the published Fair Market Rent in effect 60 days before the HAP contract anniversary. The PHA must maintain records to document the basis for the determination that rent to owner is a reasonable rent (initially and during the term of the HAP contract) (24 CFR sections 982.4, 982.54(d)(15), 982.158(f)(7), and 982.507). Chapter 3 of the Housing Choice Voucher Guidebook (7420.10G) describes the information that the HCVP Administrative Plan implemented by a PHA must cover.

***Cause***

**CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY 449)  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
Year Ended June 30, 2014**

The Program did not follow established procedures as required by HUD to ensure that rents are determined reasonable before the contract rent change goes into effect. The Administrative Plan should include all information regarding rent reasonableness as required by HUD.

***Effect***

The Program is not in compliance with HUD regulations.

***Questioned Costs***

Unable to determine.

***Recommendation***

We recommend that management review their procedures for contract rent changes and establish and update their method that ensures compliance.

***Views of Responsible Officials and Corrective Action Plan***

The Administrator reviews all rent increases to ensure compliance with rent reasonableness and ensure that all documentation is presented. A spreadsheet was developed in Excel to track rent increase data for future purposes including audits. A model Administrative Plan was adopted effective January 1, 2015 and contains all necessary language and elements required in regards to rent reasonableness. The Administrator of Housing Assistance is responsible for this corrective action and the estimated completion date is June 30, 2015.

<b>Finding 2014-004:</b>	<b>Housing Choice Voucher Program, CFDA #14.871</b>
<b>Federal Agency:</b>	<b>U.S. Department of Housing and Urban Development</b>
<b>Compliance Requirement:</b>	<b>Utility Allowance</b>
<b>Type of Finding:</b>	<b>Noncompliance, Material Weakness</b>

***Conditions/Context***

A review of all utility allowance schedules determined there was no utility allowance analysis performed by the Program during the fiscal year.

***Criteria***

The PHA must maintain an updated utility allowance schedule. The PHA must review utility rate data for each utility category each year and must adjust its utility allowance schedule if there has been a rate change of 10 percent or more for a utility category or fuel type since the last time the utility allowance schedule was revised (24 CFR section 982.517).

***Cause***

The Program did not follow established procedures as documented in their Administrative Plan to ensure that utility allowance schedules are completed in compliance with requirements.

***Effect***

The Program is not in compliance with HUD regulations.

***Questioned Costs***

Unable to determine.

**CITY OF BUFFALO SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM (NY 449)  
SCHEDULE OF FINDINGS AND QUESTIONED COSTS  
Year Ended June 30, 2014**

***Recommendation***

We recommend that management review their procedures for utility allowances and establish a method that ensures compliance.

***Views of Responsible Officials and Corrective Action Plan***

The utility allowance schedule has been reviewed, and changes made in accordance with regulations. New utility allowance schedules went into effect 10/1/14. Utility allowance data will be reviewed and analyzed again this year to analyze whether or not the allowances need to be adjusted. The Administrator of Housing Assistance is responsible for this corrective action and the estimated completion date is June 30, 2015.

**Certifications of Compliance with  
PHA Plans and Related Regulations  
(Standard, Troubled, HCV-Only, and  
High Performer PHAs)**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including  
Required Civil Rights Certifications**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the X 5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 7/1/2016, hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2010-25);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.

12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
13. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
14. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
19. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

City of Buffalo Section 8 (administered by BMHA)  
 PHA Name

NY449  
 PHA Number/HA Code

Annual PHA Plan for Fiscal Year 2016

5-Year PHA Plan for Fiscal Years 2016 - 2020

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

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Name of Authorized Official  Michael A. Seaman	Title  Chairman, BMHA Board of Commissioners
Signature	Date

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires 2/29/2016

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, \_\_\_\_\_, the \_\_\_\_\_  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan and/or Annual PHA Plan of the

\_\_\_\_\_ *PHA Name*  
City of Buffalo Section 8 Program (administered by the BMHA)

is consistent with the Consolidated Plan or State Consolidated Plan and the Analysis of

Impediments (AI) to Fair Housing Choice of the

\_\_\_\_\_ *Local Jurisdiction Name*  
City of Buffalo

pursuant to 24 CFR Part 91.

Provide a description of how the PHA Plan is consistent with the Consolidated Plan or State Consolidated Plan and the AI.

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I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Signature	Date

## B.6 Progress Report

BMHA has achieved the following objectives over the past 5 years:

### **HUD Strategic Goal: Increase the availability of decent, safe, and affordable housing.**

PHA Goals:

#### ***Expand the supply of assisted housing***

- Plan to convert presently unused Housing Choice Vouchers into Project Based Vouchers

#### **Improve the quality of assisted housing**

- Improve SEMAP score by contracting with a third-party HCV administrator experienced in HCV program management

#### **Increase assisted housing choices**

- Began lease-up of housing choice vouchers

### **HUD Strategic Goal: Promote self-sufficiency and asset development of families and individuals**

PHA Goals:

#### **Promote self-sufficiency and asset development of assisted households**

- BMHA was awarded a continuation of its Family Self Sufficiency and Service Coordinator Programs
- Established partnerships with various employment and training providers (Erie Community College, Buffalo Public Schools Adult Education Department, University of Buffalo Educational Opportunity Center, to service the BMHA residents
- Established a partnership with Buffalo Federation of Neighborhood Centers (BFNC) to provide case management services to the elderly and disabled
- Continue to aggressively enforce Section 3 regulations in order to provide employment opportunities to BMHA residents and promote business opportunities to resident owned business or to business employing BMHA residents

### **HUD Strategic Goal: Ensure Equal Opportunity in Housing for all Americans**

PHA Goals:

#### **Ensure equal opportunity and affirmatively further fair housing**

- Continue to evaluate administrative plan to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability

- Continue to take affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability, such as marketing in newspapers that market to minorities and underprivileged communities:
- Continue to take affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required, such as; ensuring that all new construction complies with all applicable American with Disabilities Act (ADA) requirements