



**BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., September 27, 2022
GHURA's Main Office (via Zoom)
1st floor, Conference Room, Sinajana
AGENDA**

I. ROLL CALL

II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Tuesday, September 20, 2022

2nd Printing – Sunday, September 25, 2022

III. APPROVAL OF PREVIOUS BOARD MINUTES – September 13, 2022

PAGE (S)

IV. NEW BUSINESS

- | | |
|---|--------|
| 1. Resolution No. FY2022-016 | 1 |
| Resolution commending Ms. Tina Marie C. Cruz, Program Coordinator I,
for her dedication and contributions to the Guam Housing and Urban
Renewal Authority (GHURA) | |
| 2. Resolution No. FY2022-017 | 2 - 85 |
| Resolution approving the 2022 Family Self-Sufficiency Action Plan | |

V. OLD BUSINESS

1. Change Order
Inarajan Basketball Court

VI. EXECUTIVE DIRECTOR'S REPORT

VII. GENERAL DISCUSSION / ANNOUNCEMENTS

1. Next proposed scheduled Board Meeting: Tuesday, October 11, 2022
@ 12:00 p.m. OR Tuesday, October 18, 2022 @ 12:00 p.m.

VIII. ADJOURNMENT

Dolphins stun Ravens with huge rally

Associated Press

Tua Tagovailoa threw for 469 yards and six touchdowns, four of which came during a spectacular fourth quarter, and the Miami Dolphins rallied from a 21-point deficit to beat Lamar Jackson and the Baltimore Ravens 42-38 on Sunday.

Tagovailoa's 7-yard touchdown pass to Jaylen Waddle with 14 seconds left completed the incredible comeback after Miami (2-0) trailed 35-14 with under 13 minutes remaining.

The Dolphins overcame a spectacular performance by Jackson, who threw three first-half touchdown passes and then gave Baltimore (1-1) its 21-point lead with a 79-yard TD run in the third. Jackson threw for

318 yards and three touchdowns and finished with 119 yards on nine carries. He became the first quarterback in NFL history with both a touchdown pass and a touchdown run of at least 75 yards in the same game

Cowboys vs. Bengals

Brett Maher kicked a 50-yard field goal as time expired, and Dallas held on to beat Cincinnati after losing a two-touchdown halftime lead.

Joe Burrow got the Bengals even at 17-17 by leading a 19-play, 83-yard drive in the fourth quarter, throwing a 5-yard touchdown pass to Tee Higgins and finding Tyler Boyd for the 2-point conversion.

After the Cowboys stopped the Bengals with

about a minute remaining, Cooper Rush got the Cowboys in range for Maher to help Dallas win for the second time in his two career starts filling in for an injured Dak Prescott.

49ers vs. Seahawks

Jimmy Garoppolo threw a touchdown pass on his first full drive after replacing an injured Trey Lance and ran for another score to help San Francisco beat Seattle.

Lance broke his right ankle on the second drive of the game, a season-ending injury for the 22-year-old who was given the keys to San Francisco's offense this season.

That set the stage for Garoppolo to come in and reclaim the job he held for most of the past four seasons as the surprising decision to keep Garoppolo on a reduced contract paid nearly immediate dividends for the Niners.

Manibusan wins King of the Lanes

Pacific Daily News

Brian Manibusan rolled 12 pocket strikes in a row during the Budweiser King of the Lanes Sunday at the Central Lanes Bowling Center as he bowled a perfect 300 game.



Manibusan

Manibusan opened the elimination round in sixth position. He eliminated No. 10 seed Gregory Borja 236-190, according to a release by the Guam Bowling Congress. Manibusan then toppled top seed Aaron Elliott to advance to the finals against No. 4 seed RJ Santos.

The finals match had Manibusan taking advantage of a missed opening frame by Santos as he strung a turkey for a 22-pin lead. Santos came firing

back with a turkey of his own, aided with a couple of splits by Manibusan.

Santos took a one-pin lead after six frames, according to the release. Both bowlers doubled in the ensuing frames as Santos held on to the single pin lead after eight frames.

A bad shot on the ninth frame by Santos opened the door for Manibusan, who struck on the ninth and 10th frames to secure his second title of the year with a 219-186 victory, the release stated.

Other winners

Sheila Bangs earned her first Prince of the Lanes title of the year after finishing in the runner-up position during previous attempts.



Bangs

She beat the No. 4 seed Arlene Reyes 190-166, according to the release.

Bangs beat top seed Gomes Martinez in the semifinal round, Lisa Duenas in the quarterfinals and No. 10 seed Enrique Corcino in the first elimination round. Reyes edged No. 2 seed Miyuki Kim in the semifinal, No. 9 seed Nick Gutierrez in the quarters and No. 8 seed Corey Granillo in the first round, according to the release.

Martinez and Kim tied for top honors in the prince qualifier earlier in the day, followed by Rudy Palaganas, Arlene Reyes, Sheila Bangs, Lisa Duenas, Ina Lee, Granillo, Gutierrez and Corcino, according to the release.

The next Budweiser King of the Lanes and Prince of the Lanes is set for 1:20 p.m. Oct. 16 at the Central Lanes Bowling Center.

War Claims Adjudication Committee Meeting

Public Notice
As per Public Law 36-73 and Public Law 36-62



Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor of Guam

September 27, 2022 at 5:00 PM



Edward M. Birm
Director

Bernadine C. Gines
Deputy Director

The War Claims Adjudication Committee meeting will be held at Guam Museum Multi-Purpose Room. The Meeting will also be live streamed on facebook.com/govlougum

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Meeting Minutes from September 14, 2022
- IV. Reading of Public Notices Dates for Meeting
- V. Report of the Status of Payments and Balance
 - A. Committee will Adjudicate Claims V-0146 through V-0160
- VI. New Business
 - B. Proposed next meeting date
 - C. Miscellaneous Matters
- VII. Adjournment

Zoom Meeting:

War Claims Adjudication Committee Meeting Time:

This is a recurring meeting Meet anytime Join Zoom Meeting
<https://us02web.zoom.us/j/85160446200?pwd=ck4vcHp2eTB-PbG1LRFVkam9sWmJMQT09>

Meeting ID: 851 6044 6200

Passcode: 790399

For more information and for special accommodations, please contact the Guam War Claims Center at 671-989-9277/78 from 9am-2pm or you may email guamwarclaims@doa.guam.gov.

This notice was paid for by the Department of Administration.

THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting

Tuesday, September 27, 2022 at 12:00 PM.

This meeting is open to the public via Zoom.

Topic: GHURA BOC mtg. Tuesday, September 27
Time: Sep 27, 2022 12:00 PM Guam, Port Moresby

Join Zoom Meeting

<https://us06web.zoom.us/j/81612844667?pwd=RnNkQcEduaGI0bWNoTFhiNEdyTXNsUT09>

Meeting ID: 816 1284 4667 Passcode: 924644

Watch YouTube Live Stream

<https://www.youtube.com/channel/UCGgKWUokOmT0FOLyn48ULag>

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- VIII. ADJOURNMENT

The complete Board packet may be viewed on our website at www.ghura.org.

For more information, please contact Audrey Aguon at 475-1378 and for special accommodations, please contact Chief Planner – Designated Section 504 / ADA Coordinator at 475-1322 or TTY 472-3701.

This advertisement was paid for by GHURA.

US loses to Japan 2-0 in World Cup warmup

Associated Press

With the World Cup approaching and final roster decisions looming, U.S. soccer players gave a dismal performance in a 2-0 exhibition loss to Japan on Friday in Düsseldorf, Germany.

Daichi Kamada scored following Weston McKennie's giveaway in the 24th minute and Kaoru Mitoma added a goal in the 88th.

In their next-to-last World Cup warmup, the Americans failed to put a single shot on goal, getting outshot 16-4 — including 8-0 in efforts on target.

"Obviously really disappointing," goalkeeper Matt Turner said. "I just kind of wish that we had a little more fight about us from the start. I think we hurt ourselves in a lot of ways."

'Average team'

The U.S. has one win, five losses and four draws in its



last 10 road games and just one goal in its last five away matches. U.S. coach Gregg Berhalter said subpar performances were "almost across the board."

"We need to play with personality. We need to play relaxed. We need to play with intensity," Berhalter said. "When we do these things, we're a really good team, but when we don't, we're an average team."

Berhalter plans to announce his 26-man World Cup roster on Nov. 9 and has said 15-20% of the spots were undecided.

"There are certainly positions and players who are probably a little tense," defender Walker Zimmerman

AP PHOTO

Japan's Daichi Kamada is celebrated after scoring during the international friendly soccer match between USA and Japan as part of the Kirin Challenge Cup in Duesseldorf, Germany, Sept. 23, 2022.

said. "They know that they have one or two games, one or two opportunities to show that they can make a difference in Qatar."

American star Christian Pulisic did not dress because of an unspecified injury that Berhalter called "a knock." The 14th-ranked Americans already were without Tim Weah, Yunus Musah, Chris Richards, Antonee Robinson and Zack Steffen due to injuries, and Miles Robinson will miss the World Cup

because of a torn Achilles.

A series of defensive breakdowns put pressure on Turner, who has played just one match this season for Arsenal. He made a pair of diving saves in the second half, on Junya Ito in the 55th and Kamada in the 65th.

Kamada scored after McKennie received the ball from Tyler Adams and underhit a backpass. Hidemasa Morita played the ball to an open Kamada, who beat Turner to the far post from about 12 yards for his sixth international goal.

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE

OF

RAYMOND DURWOOD DEBEVOISE and) NAOMI RAMIREZ DEBEVOISE, Deceased.

PROBATE CASE NO. PR0035-22

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN by MELINDA J.D. CHARGUALAF, Executrix of the Estates of RAYMOND DURWOOD DEBEVOISE and NAOMI RAMIREZ DEBEVOISE, deceased, through the undersigned counsel, to the creditors of, and all persons having claims against, the deceased, that within sixty (60) calendar days after the first publication of this notice, all claims shall be filed, with the necessary vouchers, to the said Administratrix of the Estate at the Office of the Clerk of the Superior Court of Guam, or exhibit them with the necessary vouchers to the said MELINDA J.D. CHARGUALAF, Executrix at c/o: Shane F.T. Black, Esq., BAUMANN, XU and BLACK, LLC, at 238 Archbishop Flores Street, Suite 903, Hagatna, Guam 96910, the same being the place for the transaction of business of the Estate. For further particulars, creditors should refer to the specific requirements set forth by law.

Dated this 6th day of July, 2022.

BAUMANN, KONDAS and XU, LLC

By: /s/ SHANE F.T. BLACK Attorneys for Petitioner



Edward M. Birm Director

Bernadine C. Gines Deputy Director

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September 27, 2022 at 5:00 PM



Lourdes A. Leon Guerrero Governor of Guam

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Meeting ID: 816 1284 4667 Passcode: 924644

Watch YouTube Live Stream

<https://www.youtube.com/channel/UCGqKWU0kOmT0FOLYn48ULag>

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12:00 P.M., September 13, 2022
GHURA's Main Office (via Zoom)
1st floor, Conference Room, Sinajana
AGENDA**

I. ROLL CALL

After notice was duly given, pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regularly scheduled board meeting was called to order at **12:00 P.M. Friday, September 13, 2022**, at the GHURA Sinajana Main Office, 1st floor Conference room, by Chairman Rivera. He indicated that 6 members of the Board of Commissioners were present, representing a quorum and that the meeting would proceed as scheduled.

<p>PRESENT:</p> <p>Dr. John Rivera, Chairman Frank Ishizaki, Commissioner Monica Guzman, Vice Chairwoman (via zoom) Nate Sanchez, Commissioner Emilia Rice, Commissioner</p> <p>ABSENT:</p> <p>Anisia Delia, Commissioner Karl Corpus, Resident Commissioner (via zoom)</p> <p>LEGAL COUNSEL:</p> <p>Joseph B. McDonald, Esq.</p>	<p>MANAGEMENT & STAFF:</p> <p>Elizabeth Napoli, Executive Director Fernando Esteves, Deputy Director Audrey Aguon, Special Assistant Frances Danieli, Fiscal Controller Kim Bersamin, HR Administrator Norma San Nicolas, Section 8 Manager Katherine Taitano, Chief Planner Andrew Manglona, AE Planner</p> <p>PUBLIC:</p> <p>John O'Conner, The Guam Daily Post Cherry Canete, JJ Global</p>
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II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Tuesday, September 06, 2022

2nd Printing – Sunday, September 11, 2022

Acknowledged by the GHURA BOC

III. APPROVAL OF PREVIOUS BOARD MINUTES – August 23, 2022

[096/22] Commissioner Ishizaki moved to approve the minutes of August 23, 2022 BOC meeting. Commissioner Rice seconded the motion. There were no objections by the other board members. Motion was passed.

IV. NEW BUSINESS

1. Intent of Award

IFB#GHURA-06-06-2022-AMP4; AMP4 Drainage Correction Project

[097/22] Director Napoli stated the following:

- A/E Staff reviewed the bid results and costs proposal with OH Construction on July 19, 2022.
- A total of five contractors purchased a set a bid specification, of which five submitted a bid:
 1. Genesis Tech Corp.- with a bid bond of 15% and a base bid of \$985,000.
 2. Surface Solution- with 15% bid bond and a base bid of \$750,000.
 3. Bascon Corporation- with 15% bid bond and a base bid of \$692,700.
 4. Mega United Corp.- with 15% bid bond and a base bid of \$689,760.
 5. OH Construction- with 15% bid bond and a base bid of \$640,425.
- OH Construction's Proposal was 20% lower than the Government estimate
- In reviewing the bid results, OH Construction provided the lowest responsive and responsible bid for Base Bid #1 at \$640,425.00
- OH Construction had also been cleared by DOL, Compliance, OSHA, and EPLS Debarred list.
- This is a conditional award pending the AG's review and approval in compliance with procurement law (5 GCA § 5150) for bid awards over \$500,00
- AE is concerned with the current construction industry's price fluctuations and explosive inflation
- Based on AE staff's review and determination, GHURA is requesting BOC's approval to issue the contract to OH Construction for base bid #1 in the amount of \$640,425.00 contingent upon the AG's review and approval.
- Bid award funding is available under the Capital Fund Program.

Commissioner Ishizaki inquired about whether the contractor would be able to meet the bid specification requirements. Director Napoli indicated that the AE staff was able to confirm with the contractor that they will perform according to the bid specification and the scope of work that is required.

Vice Chairwoman Guzman inquired on the time it would take for GHURA to receive the AG's review and approval. Director Napoli stated that the document is currently under review at the AG's office. However, the review and approval process must be expedited especially because the funds have to be drawn down by November. Deputy Director

Esteves added that the hold-up is in the legal counsel representation and the SAAG designation, which also is currently under review at the AG's office. They also have been actively engaging with follow up questions, but are pushing forward with the SAAG designation. GHURA's internal deadline is to have the document no later than October 15. GHURA is pushing for much sooner than that.

With regard to the overall project timeline, our understanding is that as long as GHURA gets the document by October 15, everything else moving forward is going to be on track.

There were no further discussions.

[098/22] Vice Chairwoman Guzman motioned to approve IFB#GHURA-06-06-2022-AMP4; AMP4 Drainage Correction Project to OH Constructions in the amount of \$640,425. This is a conditional award pending the AG's review and approval. Commissioner Ishizaki seconded the motion. There were no objections by the other board members. The motion carried.

2. Resolution No. FY2022-014

Resolution approving the Fiscal Year 2023 Operating Budgets for Public Housing Asset Management Projects (AMP) GQ001000001, GQ001000002, GQ001000003 and GQ001000004

Chairman Rivera requested that Mrs. Frances Danieli, Controller, provide a comparison report identifying significant changes to the present budget. (At the beginning of Mrs. Danieli's presentation, some parts of the recording were inaudible)

[099/22] Mrs. Frances Danieli, Controller, stated the following:

- GHURA's 2023 Budget of \$97,913,553 to meet our mission of "Strengthening Families and Building Communities One Project at a Time".
- Breaking down the \$97M is as follows:
- \$7.9M for Public and Housing (AMP)
- \$47.5M for Housing Choice Vouchers (Section 8)
- \$1.0M for Supportive Housing for the Elderly (Guma Trankilidat)
- \$6.6M for Capital Fund Program
- \$32.2M for Community Planning and Development Programs (CPD)
- \$2.5M Central Office Cost Center (COCC)
- \$135K for Other Programs
- This total is approximately \$17K less due to grants closing, no CARES funding except for CPD, and new grants received. There is an offset effect.

(Recording remained inaudible throughout Mrs. Danieli's presentation.) Mrs. Danieli went on to discuss GHURA's staffing pattern focusing on the positions that remained

vacant and on reclassification review for specific positions. This was found in the board packet on page 50 of 67.

Commissioner Ishizaki inquired about whether the numbers in the right column represented additional costs. Mrs. Danieli confirmed this.

Dr. Kim Bersamin, HR Administrator, requested that the Engineering III positions be moved from the GHURA pay scale to the Engineering and Maintenance pay scale.

Director Napoli asked if the board was ready to hear the resolution. Chairman Rivera requested that Director Napoli present the resolution for more clarity as to what was being requested of the board.

Director Napoli read Resolution No. FY2022-014, approving the Fiscal Year 2023 Operating Budget for Public Housing Asset Management Projects (APM) GQ001000001, GQ001000002, GQ001000003, GQ001000004.

- Whereas the authority and the US Department of Housing and Urban Development, HUD entered into a Consolidated Annual Contributions Contract ACC Number SF-272 dated March 27, 1967; and
- Whereas, The Authority administers HUD's Low Rent Public Housing Program, which is subsidized by HUD through its Operating fund; and
- Whereas, HUD, with the implementation of 990.255 if the Operating Fund final rule, requires public housing authorities to implement project-based management, project-based budgeting, and project-based accounting; and
- Whereas, the authority, in anticipation of the aforementioned requirement, has grouped its housing developments into Asset Management Properties (AMPs),
- Whereas, the proposed FY2023 AMP budgeted expenditures are necessary in the efficient and economical operations of the AMPs for the purpose of serving low-income residents; therefore, be it
- Resolved that the Fiscal Year 2023 AMP operating budgets for the Authority's Asset Management Properties GQ001000001, GQ001000002, GQ001000003, GQ001000004 are hereby approved.

Chairman asked that Mrs. Danieli clarify whether the positions explained in the staffing pattern were positions only at the AMP sites. Mrs. Daniela stated that the report on the staffing pattern were for all of GHURA and not just the AMP sites.

Chairman Rivera asked Mrs. Danieli if GHURA's budget, considering the reduction from last year to this year, will be able to sustain itself even with the requests being made regarding changes for specific positions in the AMPs. Mrs. Danieli stated that she and the AMP managers discussed the positions and determined that the AMPs could fund the positions that they are requesting. Chairman Rivera touched on a concern that was brought up by Commissioner Ishizaki in the past and asked if these changes would satisfy the needs of the AMPs in the next year. Dr. Kim Bersamin stated that in consultation with division heads, they looked at the staffing needs and their

goals for 2023. They felt that the staffing level that GHURA is requesting is adequate. She added that should things change, outside of the budget, they would come back and ask the board for additional positions not budgeted, or not funded. She added that this is how HR will handle those positions that may have been missed. But for the most part, she believed that they had covered what they need for basic safety, efficiency, and for the sake of the employees in terms of what is adequate for FY 2023. She humbly requested for those positions.

She stated that the key part for HR are positions that need reviewing, which is what was captured by Mrs. Danieli with respect to AMPs 1,2,3, and 4. There is an HR process, once the review is complete and PDs have been submitted to HR, the finalization begins, which will still be subject to HR processes and qualifications.

Chairman Rivera inquired about the anticipated timeline. Dr. Kim Bersamin stated that as soon as the PDs are submitted from the AMP sites. She added that she hopes to bring it to the board before the next quarter or by January.

Deputy Director Esteves indicated that in his recent visits to all the AMPs, he was able to confirm based on very specific questions about staffing, that the organizational pattern that was presented is adequate and that HR is doing a really good job in ensuring that those vacancies go out, interviews take place and positions are filled. The common concern from the AMPs was the review of the different positions. They are tracking that those PDs need to be completed and submitted for review. Deputy Director Esteves stated he does not anticipate there being any positions that will require action or change in terms of the budget from the board. However, should a project require a safety consideration, it will be discussed and brought to the board, especially if it means to adjust the funding. He added that the only project that would require a slight change would be the tree cutting at Guma Trankilidat. He indicated that it had recently been reviewed and looked at by Department of Agriculture with a thumbs up. Deputy Director Esteves added that the situation is developing, and the team will determine what the best course of action would be moving forward.

Chairman Rivera thanked Deputy Director Esteves for the lengths that he has gone to ensure that the AMPs are running smoothly.

Chairman Rivera added that his main concern is ensuring that the manpower that exists is adequate to maintain the operations and to keep the employees healthy. Its best that the board see what the big picture is and understand the needs of the organization if it is expected to grow.

Director Napoli stated that the executive management has been meeting with HR, Fiscal, and other division heads to discuss staffing needs due to major staffing challenges in the past. She added that the chairman's concerns regarding overwhelming staff is the reason the Staffing pattern needs were presented to the board.

Vice Chairwoman Guzman indicated that she agrees with all the points that were presented regarding appropriate staffing to ensure the mission of the agency is carried out. She suggested that for specific projects such as tree cutting, that GHURA provide small businesses the opportunity to bid on to be sustainable in their own small businesses.

Chairman Rivera thanked Vice Chairwoman Guzman and added that GHURA be mindful of discarded material as they may not necessarily be waste. In the interest of island sustainability and the movement of the current administration, he encouraged GHURA to keep the small businesses in mind and think of ways to provide avenues for these small businesses to obtain the discarded materials and recycle them into useful materials.

Director Napoli stated that should GHURA be forced to remove trees due to its growth jeopardizing the AMPs compliance with HUD regulations, Mr. Sonny Perez, AE manager, has committed to looking into tree planting programs at UOG or the Department of Agriculture. She indicated that Mr. Perez had reached out to Mr. Austin Shelton and requested for detailed information regarding replacing trees that have been cut down.

Commissioner Ishizaki asked what the overall net gain was with the additional positions. Mrs. Danieli stated that there were 17 new positions.

There were no further discussions.

[100/22] Commissioner Sanchez motioned to approve the Resolution No. FY2022-014 Resolution approving the Fiscal Year 2023 Operating Budgets for Public Housing Asset Management Projects (AMP) GQ001000001, GQ001000002, GQ001000003 and GQ001000004. Commissioner Ishizaki seconded the motion. There were no objections by the other board members. Motion was approved.

3. Resolution No. FY2022-015

Resolution approving the Fiscal Year 2023 Operating and Administrative Budget

[101/22] Director Napoli read the following resolution:

- Resolution Number FY 2022-015 is a resolution approving the FY 2023 Operating and Administrative Budget.
- Whereas, the Authority must continue its primary mission to provide safe, decent, and sanitary housing to the people of Guam in FY 2023; and
- Whereas, the authority must ensure the continued operation of the Public and Indian Housing, Housing Choice Voucher, Supportive Housing for the Elderly and community development programs; and

- Whereas, the Authority must ensure the continued payment of personnel salaries, benefits, and other administrative expenditures for FY 2023; and
- Whereas, to allow the Authority the flexibility for addressing situational needs to meet its mission, provide transfer authority of 10% to the Executive Director, within the total budget, and keep the Chairman of the Board apprised of such transfers; therefore be it
- Resolved that the FY 2023 Operating and Administrative budget is hereby approved.

Chairman Rivera inquired about the functions of the Central Office Cost Center, such as the grants, other income and management fees. Mrs. Danieli stated that funding sources from the AMPs, Guma Trankilidat (GT), and Section 8 are received by Central Office Cost Center (COCC). This funding is called the Program Management fee. COCC also receives Asset Management fees and bookkeeping fees. Chairman Rivera inquired if the fees were received by COCC for assistance on administrating the different programs. Mrs. Danieli confirmed this and added that the other income is generated from bid fees, fees from landlord statements, W2 tax forms and other tax forms that COCC charges for. This is known as Other Income.

Chairman Rivera inquired about significant changes between last year and this year's Fiscal Year to the administrative budget. Mrs. Danieli stated that the only difference was the Cares Act Funding. This year, COCC and Section 8 did not receive Cares Act Funding, which made it seem like the budget decreased by \$16, 000. It only seemed that way because GHURA had additional funding for 2022.

Commissioner Ishizaki referred to the 2022 approved budget versus the June 30 actual expenditure and surpluses and asked if Fiscal's projection will be close. Mrs. Danieli confirmed this and explained that GHURA has the CFP grants and CPD grants, there isn't just one grant. There are always additional, which makes it seem like an offset. Some grants expire and carry over. Some grants on the report do not have a detailed line item and that is because it is new that it hasn't yet been allocated in the budget line items.

Chairman Rivera asked about whether the flexibility for the 10% transfer authority of the Executive Director was reasonable. Mrs. Danieli stated that she believes the 10% transfer authority is reasonable because the Uniform Guidance for Federal Grants stated that the grantee has the flexibility of 10% to move within the total grant award.

There were no further discussions.

[099/22] Vice Chairwoman Guzman moved to approve Resolution FY2023-015, Operating and Administrative Budget. Motion was seconded by Commissioner Sanchez. There were no objections by the other board members. Motion passed.

V. OLD BUSINESS

Change Order Inarajan Basketball Court

[102/22] Director Napoli requested that this item be tabled until the next board meeting. Chairman Rivera announced that item number 5, Change Order on the Inarajan Basketball Court will be tabled.

VI. CORRESPONDENCE AND REPORTS

Section 8 – 1st and 2nd Quarter Activity Report

[103/22] Mrs. Norman San Nicolas, Section 8 Administrator, stated the following:

- Section 8 is a tenant based and project based rental assistance program.
 - Tenant based- provides funding for rental assistance for families of very low income. GHURA pays all or part of the rental fee as well as utility allowance for power, water and trash pickup.
 - Housing Choice Voucher program and (5) special purpose voucher programs- there is a baseline or number of authorized vouchers.
- These programs are funded through HUD
- In total, GHURA receives approximately 39.5 million for housing assistance payments
- GHURA receives more than 2 million for administrative fees that pay for operational costs, salaries, and the costs for administering the voucher programs
- HUD uses the SEMAP or the Management Assessment Program to gauge GHURA's performance.
- SEMAP is comprised of 14 key indicators listed on pg. 66- 67 in the board packet. It explains how Section 8 is rated based on how it manages the waitlist, how it determines if rent is reasonable, if utility allowances or payment standards are updated, and how units are inspected.
- Admissions and End of participation trend- numbers of vouchers issued per month is triple the number of those who end their participation in the program
- Voucher Holder Success rate- is 74%. Only 74% of voucher holders will successfully find a unit and sign a HAP contract
- Original Housing Choice Voucher Program is declining. Since January, GHURA has lost 71 families.
- Special Purpose Programs- GHURA is having a difficult time receiving referrals for VASH vouchers.
- HAP utilization table- HUD's baseline for spending is 95%- As of June 30, Section 8 is at 98.1%
- Monthly HAP Payments for all programs- \$8.77 per unit costs.
- Inspections- Section 8 does initials (move-ins), bi-annuals, and special inspections
- Units that fail- landlords make repairs and unit is re-inspected. If unit fails again, funds are either abated or contract is terminated.

- Annual recertifications- from January to June a total of 636 have been completed
- Rent Reasonableness- for Section 8 to determine if asking rate from landlord is reasonable. A formula is used to determine reasonableness.
- Utility Allowance Schedule and Payment Standard schedule were updated in November 2021. It was effectuated in January 2022

Vice Chairwoman inquired about whether the \$500 utility assistance that was issued to all ratepayers affected GHURA's Allowance schedule. Mrs. San Nicolas stated that it did not.

- Family Self-Sufficiency Program- has graduated 93 participants. HUD issued a mandate to revamp the program. A new Action Plan is due to HUD for approval and implementation is scheduled for November.
- Closing out of Cares Act Fund that was received in 2021
- Section 8 has requested for an extension to liquidate approximately \$205,000 for the expansion project and cubicles that were purchased.
- 1 employee will retire and 1 has resigned
- File scanning and disposition project ongoing- (2) temps working to scan and dispose of documents; 204 boxes have been disposed of.

Director Napoli stated that Mr. Jesse Wu, HUD Honolulu, indicated to her that GHURA is doing well and commended the Section 8 programs and the Public Housing programs. He had no concerns with the housing programs on Guam.

There were no further discussions.

VII. EXECUTIVE SESSION

[104/22] Commissioner Ishizaki moved to go into Executive Session. Commissioner Sanchez seconded the motion. There were no objections. Motion passed.

VIII. GENERAL DISCUSSION / ANNOUNCEMENTS

**Next proposed scheduled Board Meeting: Tuesday, October 11, 2022
@ 12:00 p.m.**

[105/22] Director Napoli requested for a meeting on September 27, 2022. Commissioners present in the office tentatively agreed to a BOC Meeting on September 27, 2022 pending confirmation from the other commissioners not present.

IX. ADJOURNMENT

[106/22] With no further discussions, Chairman Rivera moved to adjourn the meeting. Commissioner Ishizaki seconded the motion. There were no objections by the other board members. Motion passed and meeting adjourned at 2:44PM.

**GUAM HOUSING AND URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2022-016**

MOVED BY:

SECONDED BY:

RESOLUTION COMMENDING MS. TINA MARIE C. CRUZ, PROGRAM COORDINATOR I, FOR HER DEDICATION AND CONTRIBUTIONS TO THE GUAM HOUSING AND URBAN RENEWAL AUTHORITY (GHURA)

- WHEREAS,** prior to joining the GHURA team, Ms. Tina Marie C. Cruz had prior service with the Agency for Human Resources Development (AHRD); and
- WHEREAS,** on September 09, 2002, Ms. Cruz began her GHURA career as a Housing Assistance Program Specialist with the Section 8 Division, and
- WHEREAS,** on July 05, 2006, Ms. Cruz was promoted to the Section 8 supervisory position as a Contract Control Analyst; and
- WHEREAS,** Ms. Cruz subsequently transferred to a Program Coordinator I position on April 06, 2009, where she handled the Section 8 Management Assessment Program (SEMAP);
- WHEREAS,** Ms. Cruz dedicated over 20 years of service in support of the mission and goals of the Authority; and
- WHEREAS,** her efforts toward effectively and efficiently executing her official duties and responsibilities had a direct and positive impact on ensuring compliance with the program requirements for the Section 8 Housing Choice Voucher Program, and that housing assistance benefits for the Authority's clients are accurately and adequately provided; and
- WHEREAS,** the Board of Commissioners extends its recognition and gratitude to Ms. Cruz, commending her on her retirement from the Authority, and extending best wishes on her future endeavors; now, therefore, be it
- RESOLVED,** that the Chairman of the Board of Commissioners shall certify, and the Executive Director attest the adoption hereof Resolution No. FY2022-016 and that, thereafter, shall be presented to Ms. Tina Marie C. Cruz, whereby a copy shall be placed in her official personnel file, and a copy provided to the Governor of Guam.

IN REGULAR BOARD MEETING, SINAJANA, GUAM – SEPTEMBER 27, 2022

PASSED BY THE FOLLOWING VOTES:

AYES:

NAYS:

ABSENT:

ABSTAINED:

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **September 27, 2022**.

(SEAL)

ELIZABETH F. NAPOLI

Board Secretary / Executive Director



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701



September 12, 2022

To: GHURA Board of Directors

Via: Norma San Nicolas, Section 8 HCV Administrator *NSN*
Fernando Esteves, Deputy Director *FE*
Elizabeth F. Napoli, Executive Director *EFN*

From: Sandrina Cepeda, FSS Program Coordinator *SC*

Subject: FSS Proposed 2022 Action Plan

Hafa Adai! The attached proposed Action Plan is submitted for your consideration. It comes as a result of the Final Rule published by the U.S. Department of Housing and Urban Development (HUD), which became effective on June 16, 2022. Implementation is required no later than November 14, 2022. An approved Action Plan must be submitted to HUD no later than September 30, 2022 in order to allow HUD time to review by November 14, 2022. All PHA's operating a Family Self-Sufficiency (FSS) Program are required to update policies to reflect the new regulations, submit to HUD and be approved before any new participants may be enrolled.

Below is a synopsis of the chief changes to the plan, otherwise, required contents of the plan remain unchanged.

FUNDING:

- Expands eligibility for program funding from only public housing and voucher programs to now include multifamily (Project-Based Rental Assistance) owners as well
 - PBRA owners have been eligible to run their own programs without HUD funding since FY15 appropriations
- Codifies Funding Formula: 1:25 ratio for the first coordinator and 1:50 ratio for each additional coordinator
- Requires HUD to fund renewals before new/expansion enrollment

ENROLLMENT:

- Expands eligibility for program enrollment from only the Head of Household to now any adult member of the household (Head of FSS Family) as designated by the family
 - One Contract of Participation per family
 - Escrow goes to the adult family member designated as FSS Head of Household
- Allows past participants to re-enroll in the program, and allows Section-8(y) – HCV Homeownership to participate in the FSS program



- Base Contract of Participation is now 5-years “*from the next rent certification after enrollment*” (previously 5-years from effective date)
- “*120-day rule*” is permanently gone. At enrollment, the most recent effective rent certification must be used to establish the baseline
- Existing families must be notified of the changes, and given the opportunity to switch to the new Contract of Participation, but are not required to switch over

ESCROW:

- Adds definitions for “*Baseline Annual Earned Income*”, “*Baseline Monthly Rent*”, “*Current Annual Earned Income*”, and “*Current Monthly Rent*”
- Removes cap on increases in monthly escrow savings for families making between 50% and 80% of Area Median Income (AMI)
- Forfeited escrow is no longer returned to the PHA. Forfeited escrow now goes to a pot “*to be used for the benefit of FSS families*”, which may help with barrier reduction

EXTENSIONS:

- Expands “*good cause*” for extensions to include participants who are actively engaging in pursuing self-sufficiency goals, as opposed to only those who have had an impact that was out of their control)

GRADUATION:

- The “*30% rule*” as an option for graduation has been removed
- “*Welfare-free*” requirement is not at graduation (as opposed to “*no longer than 12 months*” from graduation)
 - Child-only TANF grants made on behalf of a dependent child, solely on the basis of that child’s need and not the need of the current family
- Adds a disposition of the Contract of Participation, “*Termination with FSS escrow disbursement*” for families that become disabled or that port, in situations where they cannot continue the FSS program, but have not yet met all required goals.

While the required contents of the FSS Action Plan have not changed, regulations to Family Selection Procedures (24 CFR 984.203) have been updated. The new regulations also include a list of policies (24 CFR 984.201(d)(13)) that must be made at the local level. These policies are included in the Action Plan. Policy updates include:

1. Policies regarding eligible use of forfeited escrow funds by families in good standing
 - ✓ Chapter 3, page 3-5
2. Policies regarding the re-enrollment of previous FSS participants, including graduates and those who exited the program without graduating
 - ✓ Chapter 4, page 4-9



3. Policies on documentation of the household's designation of the "*Head of FSS family*"
 - ✓ Chapter 4, page 4-10
4. The circumstances in which an extension of the Contract of Participation may be granted
 - ✓ Chapter 5, page 5-6
5. Policies related to the modification of goals in the Individual Training and Services Plan (ITSP)
 - ✓ Chapter 5, page 5-8)
6. Policies on the interim disbursement of escrow, including any limitations on the use of the funds
 - ✓ Chapter 6, page 6-3
7. Policies on requirements for documentation for goal completion
 - ✓ Chapter 6, page 6-4
8. Policies for providing an FSS selection preference for porting families
 - ✓ Chapter 7, page 7-3

Your consideration and approval are requested, for immediate submission to HUD for final review.

Si yu'os ma'ase.

Family Self-Sufficiency (FSS) Program Action Plan (proposed)

Guam Housing and Urban Renewal Authority
(GHURA)

Revised and Updated
September 2022



**FSS Action Plan
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Chapter 1

THE FAMILY SELF-SUFFICIENCY PROGRAM AND THE FSS ACTION PLAN

INTRODUCTION

This chapter provides an overview of the family self-sufficiency (FSS) program and FSS action plan, including the purpose, organization, and required contents of the FSS action plan.

Part I: The Family Self-Sufficiency (FSS) Program and FSS Action Plan: This part provides an overview of the family self-sufficiency program and the purpose of the FSS action plan.

Part II: Requirements of the FSS Action Plan: This part covers action plan requirements, including development, revision, and contents of the action plan. It also contains information on family demographics, which is part of the required contents of the action plan.

PART I: THE FAMILY SELF-SUFFICIENCY (FSS) PROGRAM AND FSS ACTION PLAN

1-I.A. OVERVIEW OF THE FAMILY SELF-SUFFICIENCY PROGRAM

The origins of the FSS program are in two pilot projects implemented in 1986 and 1990, Project Self-Sufficiency and Operation Bootstrap, respectively. These projects were set up to test self-sufficiency programs for families with housing subsidies, and both demonstrated that families needed essential services to move toward economic self-sufficiency. These services include child care, transportation, medical care, and long-term education and training.

In the wake of the successful demonstration of these projects, family self-sufficiency became one of the initiatives under the Homeownership and Housing Opportunities for People Everywhere (HOPE) program enacted in 1990, and the FSS program was subsequently created under the National Affordable Housing Act the same year.

FSS built upon and refined both Project Self-Sufficiency and the Bootstrap program. It remained a voluntary program in 1991 and 1992 but became mandatory in 1993 for any new increments of funding issued to PHAs. The 1993 regulations were further modified by the Quality Housing and Work Responsibility Act of 1998 (QHWRA). In 2018, expansive changes were made to the FSS program by the Economic Growth, Regulatory Relief, and Consumer Protection Act known as “the Economic Growth Act” or “the Act.”

The purpose of the FSS program is to coordinate housing assistance with public and private resources to enable assisted families to achieve economic self-sufficiency. The purpose and basic requirements of the FSS program are further elaborated upon in Chapter 2.

This family self-sufficiency program is administered by the Guam Housing and Urban Renewal Authority (GHURA) for the jurisdiction of Guam.

1-I.B. APPLICABLE REGULATIONS

Applicable regulations for Section 8 and public housing FSS programs include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 902: Public Housing Assessment System
- 24 CFR Part 903: Public Housing Agency Plans
- 24 CFR Part 945: Designated Housing
- 24 CFR Part 960: Public Housing Admission and Occupancy Policies
- 24 CFR Part 965: PHA-Owned or Leased Projects—General Provisions
- 24 CFR Part 966: Public Housing Lease and Grievance Procedures
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 984: Section 8 and Public Housing Family Self-Sufficiency Program

1-I.C. THE FAMILY SELF-SUFFICIENCY ACTION PLAN

The family self-sufficiency (FSS) action plan is required by HUD. The purpose of the FSS action plan is to establish policies for conducting the family self-sufficiency program in a manner consistent with HUD requirements and local goals and objectives contained in the PHA's Agency Plan. This FSS action plan is a supporting document to the PHA Agency Plan and is available for public review as required by 24 CFR Part 903.

This family self-sufficiency action plan is set forth to define the PHA's local policies for operation of the program in the context of federal laws and regulations. All issues related to FSS not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable laws. The policies in this FSS action plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

The PHA is responsible for complying with all changes in HUD regulations pertaining to the FSS program. If such changes conflict with this plan, HUD regulations will take precedence.

Administration of the FSS program and the functions and responsibilities of PHA staff shall comply with the PHA's personnel policy and HUD's family self-sufficiency regulations, as well as all Section 8 and public housing regulations, in addition to federal, state, and local fair housing laws and regulations.

PART II: REQUIREMENTS OF THE FSS ACTION PLAN

1-II.A. OVERVIEW

A PHA must have a HUD-approved action plan before implementing an FSS program, regardless of whether the FSS program is a mandatory or voluntary program. Further, this action plan must comply with the requirements specified for the plan in the regulations [24 CFR 984.201(a)].

The regulatory requirements dealing specifically with the FSS action plan itself largely involve the development, revision, and required contents of the action plan. This part covers those requirements.

1-II.B. HUD APPROACH TO POLICY DEVELOPMENT

In developing policy for the FSS action plan, PHAs need to be aware of the distinction HUD makes between mandatory and discretionary policies.

- *Mandatory policies* are those driven by legislation, regulations, current handbooks, notices, and legal opinions.
- *Discretionary policies* consist of those developed for areas in which the PHA has regulatory discretion, or regarding optional, nonbinding guidance including guidebooks, notices that have expired, and recommendations from individual HUD staff.

HUD expects PHAs to develop policies and procedures that are consistent with mandatory regulations and to make clear the optional policies the PHA has adopted. The PHA's FSS action plan is the foundation of those policies and procedures for the FSS program. HUD's directions require PHAs to make policy choices that provide guidance to staff and consistency to program applicants and participants.

Following HUD guidance, even though it is not mandatory, provides a PHA with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but PHAs should carefully consider those decisions.

1-II.C. FSS ACTION PLAN DEVELOPMENT AND REVISION

Development of Action Plan [24 CFR 984.201(b) and (c)]

When developing an FSS action plan, a PHA must do so in consultation with the chief executive officer of the applicable unit of general local government and the program coordinating committee (PCC).

For all voluntary or mandatory FSS programs, the PHA must submit its action plan and obtain HUD approval of the plan before it can implement the FSS program. This includes a voluntary program established because the PHA chose to implement an FSS program that exceeds the minimum size for a mandatory program (see Section 2-II.A. for a discussion of mandatory versus voluntary FSS programs).

Single Action Plan [24 CFR 984.201(f)]

PHAs implementing both a Section 8 FSS program and a public or Indian housing FSS program may submit one action plan. In cases where the PHA decides to submit one plan for more than one program, the policies contained in the action plan would apply to both programs.

PHA Policy

GHURA currently operates a joint Section 8, Public Housing FSS program, and will only submit one action plan. The policies contained herein will apply to both programs.

Revision to the FSS Action Plan [24 CFR 984.201(c)(2)]

Following HUD's initial approval of the action plan, no further approval of the action plan is required unless the PHA proposes to make policy changes to the action plan, increase the size of a voluntary program, or revise the FSS action plan as needed to comply with changes in HUD regulations. The PHA must submit any changes to the action plan to HUD for approval.

PHA Policy

GHURA will review and update the action plan as needed, to reflect changes in regulations, PHA operations, or when needed to ensure staff consistency in operation.

1-II.D. CONTENTS OF THE PLAN [24CFR 984.201(d)]

HUD regulations state that there are several components that must be included in the FSS action plan. At a minimum, the action plan must cover the policies and procedures of the PHA for operation of a local FSS program as follows:

- Family demographics, including a description of the number, size, characteristics, and other demographics such as racial and ethnic data, in addition to the supportive service needs of the families expected to participate in the program. (Chapter 1)
- Estimate of participating families, which means the number of families which can reasonably be expected to receive supportive services under the FSS program. (Chapter 2)
- Eligible families from any other local self-sufficiency program who are expected to agree to executing an FSS contract of participation. (Chapter 2)
- A statement of the PHA's FSS family selection procedures, including a description of how the procedures ensure that families are selected without regard to race, color, religion, disability, sex, familial status, or national origin. (Chapter 4)
- A description of the incentives that the PHA intends to offer to families to encourage participation in the FSS program (an incentives plan), including the establishment of the escrow account. (Chapter 4)
- Outreach efforts, which include a description of the PHA's efforts to recruit eligible families, the actions the PHA will take to ensure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known. (Chapter 4)
- A description of the FSS activities and supportive services to be provided by both public and private resources to FSS families, and identification of these public and private resources. (Chapter 4)
- A description of the PHA's method for identifying family support needs, including how the PHA will identify the needs and deliver the services. (Chapter 4)
- A description of the PHA's policies regarding program termination or withholding of services based on a family's failure to comply with the FSS contract, and available grievance procedures. (Chapter 5)
- Assurances of noninterference with rights of non-participating families which state that a family's election to not participate in the FSS program will not affect the family's admission to the Section 8 or public housing program, nor will it affect their right to occupancy in accordance with its lease. (Chapter 4)
- A timetable for implementation of the FSS program, including the schedule for filling FSS slots with eligible FSS families. (Chapter 2)

- A certification that development of the services and activities under the FSS program has been coordinated with programs under Title I of the Workforce Innovation and Opportunity Act, other relevant employment, childcare, transportation, training, education, and financial empowerment programs in the area, and will continue to be coordinated to avoid duplication of services and activities.

Optional Additional Information [24 CFR 984.201(d)(13)].

- HUD encourages additional information in the action plan that would help to determine the soundness of the PHAs proposed FSS program.

PHA Policy

GHURA will submit additional optional information in this action plan that will help HUD determine the soundness of the proposed FSS program.

This information includes:

Policies related to the modification of goals in the ITSP. (Chapter 5)

Policies on the circumstances in which an extension of the contract of participation may be granted. (Chapter 5)

Policies on the interim disbursement of escrow, including any limitations on the use of the funds. (Chapter 6)

Policies regarding eligible uses of forfeited escrow funds by families in good standing. (Chapter 6)

Policies regarding the re-enrollment of previous FSS participants, including graduates and those who exited the program without graduating. (Chapter 4)

Policies on requirements for documentation for goal completion. (Chapter 4)

Policies on documentation of the household’s designation of the “head of FSS family.” (Chapter 4)

Policies for providing an FSS selection preference for porting families if the PHA elects to offer such a preference. (Chapter 7)

1-II.E. FAMILY DEMOGRAPHICS [24 CFR 984.201(d)(1)]

As part of the required contents of the FSS action plan, family demographics of the Section 8 and public housing program participants serve to provide a description of the number, size, characteristics, and other descriptive data (including racial and ethnic data of those participants). These data may later be used to help the housing authority and the program coordinating committee (PCC) to identify supportive service needs of the families expected to participate in the FSS program.

PHA Policy

The following demographics provide a description of the number, size, characteristics, and other descriptive data (including racial and ethnic data of those participants). These data may be used to assist GHURA and its Program Coordinating Committee (PCC) to identify supportive service needs of the families expected to participate in the FSS program.

The tables below denote demographics of the population in both Section 8 and Public Housing programs expected to be served, as of September 31, 2021:

Families	
Section 8	2432
Public Housing	704
Total:	3136

Head of Household	
Single	12.72%
Female HoH	79.30%
Male HoH	20.70%

Ethnicity of Head of Household	
Hispanic or Latino	0.41%
Non-Hispanic or Latino	99.59%
Total:	100.00%

Number of Persons in Household	
1 - 2	25.29%
3 - 4	33.61%
5 or More	41.10%
Total:	100.00%

Number of Children in Household	
0	25.61%
1 - 2	33.32%
3 - 4	29.05%
5 or More	12.02%

Head of Household Disability Status	
Disabled HoH	13.01%
Non-Disabled HoH	4.66%

Age of Head of Household	
18 - 24	3.09%
25 - 39	38.01%
40 - 54	34.76%
55 - 69	19.26%
70+	4.88%

Race of Head of Household	
White	1.66%
Black/African American	0.19%
American Indian/Alaskan Native	0.00%
Asian	9.79%
Native Hawaiian or Other Pacific Islander	91.39%

Chapter 2

PURPOSE, SCOPE, AND APPLICABILITY OF THE FAMILY SELF-SUFFICIENCY PROGRAM

INTRODUCTION

This chapter contains information about the FSS program's purpose, size, and measurable objectives as well as information on program operation. This includes potential participant demographics, the program timetable, the number of families to be served, and the size of the PHA's voluntary FSS program. This chapter also contains definitions of the key terms in this FSS action plan.

Part I: The Purpose and Basic Requirements of the FSS program: This part includes a description of the purpose of the FSS program on a national level—its intent, goal, and major strategies.

Part II: The Scope of the FSS program: This part contains information about housing assistance programs eligible to participate in FSS, the size of the PHA's FSS program, an estimate of participating families, eligible families from other self-sufficiency programs, and eligibility for combined FSS programs.

Part III: Program Operation: This part specifies the requirements for FSS program operation, including voluntary FSS program implementation.

Part IV: The Definitions of Terms Used in the PHA's FSS program: This section contains both HUD and PHA definitions for terms used in this policy document.

PART I: PURPOSE AND BASIC REQUIREMENTS OF THE FSS PROGRAM

2-I.A. PURPOSE

The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of Section 8 and public housing assistance programs with public and private resources enabling families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency [984.101(a)(1)].

In addition to this broader national goal of the FSS program, the PHA also establishes a local goal consistent with the PHA's mission statement to serve as a guide for establishing policy and implementing the FSS program.

PHA Policy

GHURA's local goal in operating this FSS program is to match housing-assisted families with a broad range of highly collaborative existing community services to assist FSS families in achieving economic self-sufficiency, thus reducing their dependency on housing, welfare, and other government subsidies, and complete the contract of participation.

2-I.B. PROGRAM OBJECTIVES [24 CFR 984.102]

In order to reach the FSS national program goal, HUD has defined its FSS program objective as to reduce the dependency of low-income families on welfare assistance and on housing subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance while living in assisted housing so that they may obtain the education, employment, business and social skills necessary to achieve self-sufficiency. As with the goals of the program, FSS program objectives are defined on the national level through FSS regulation, and on the local level by PHA policy.

PHA Policy

On the local level, GHURA will achieve the national program objective by offering low-income families services, or referring low-income families to services that provide education training, and other forms of support so that families may achieve self-sufficiency as defined in Section 2-I-A of this document.

2-I.C. BASIC REQUIREMENTS OF THE FSS PROGRAM [24 CFR 984.104]

An FSS program established under 24 CFR Part 984 must operate in conformity with the regulations and this FSS action plan (as required in 24 CFR 984.201, provide comprehensive supportive services as defined in 24 CFR 984.103, and operate in compliance with nondiscrimination and equal opportunity requirements.

PART II: SCOPE OF THE FSS PROGRAM

2-II.A. HOUSING-ASSISTED FAMILIES ELIGIBLE TO PARTICIPATE IN FSS

The Section 8 and public housing programs through which families are eligible to participate in the FSS program was expanded by the 2018 Economic Growth Act to allow participants in HCV Homeownership, Moderate Rehabilitation, Moderate Rehabilitation Single Room Occupancy, and Family Unification Program (FUP), including the Foster Youth to Independence (FYI) Initiative.

2-II.B. PHAs REQUIRED TO OPERATE AN FSS PROGRAM

Each PHA that received funding for public housing units under the FY 1991 and FY 1992 FSS incentive award competitions must operate a public housing FSS program. Each PHA that received funding for Section 8 rental certificates or vouchers under the combined FY 1991/1992 FSS incentive award competition also must operate a Section 8 FSS program.

In addition, unless the PHA receives an exemption under 24 CFR 984.105, each PHA for which HUD reserved funding (budget authority) for additional rental certificates or vouchers in FY 1993 through October 20, 1998, must operate a Section 8 FSS program. Each PHA for which HUD reserved funding (budget authority) to acquire or construct additional public housing units in FY 1993 through October 20, 1998, must operate a public housing FSS program as well.

Every PHA that was required to administer an FSS program on May 24, 2018 (the enactment date of the Economic Growth, Regulatory Relief, and Consumer Protection Act) must continue to operate that FSS program for the total number of families determined by HUD on that date unless the PHA receives an exception as described in 24 CFR 984.105(d).

Mandatory Minimum Program Size (MMPS) [24 CFR 984.105]

PHAs that are required to operate an FSS program under 24 CFR 984.101 are subject to a minimum program size requirement.

PHA Minimum Program Size

As determined by HUD as of May 24, 2018, the PHA's FSS MMPS is 84.

Maintaining Mandatory Minimum Program Size

Although the discretion to do so ultimately rests with the PHA, mandatory minimum program size can decrease as FSS participants successfully complete the program. Per the regulation, for each family that completes the program by fulfilling its FSS contract of participation on or after May 24, 2018, the mandatory minimum program size for a PHA's FSS program is reduced by one slot. However, if an FSS slot is vacated by a family that has not completed its FSS contract of participation obligations, the slot must be filled by a replacement family which has been selected in accordance with the FSS family selection procedures [24 CFR 984.105(b)(2)].

PHA Policy

GHURA will reduce the FSS mandatory minimum program size by one for each family that completes the program by fulfilling the FSS contract of participation.

Option to Operate Larger FSS Program

A PHA may choose to operate an FSS program of a larger size than the minimum required by HUD [24 CFR 984.105(a)(3)].

PHA Policy

GHURA has a mandatory minimum program size of 84 and will operate a voluntary FSS program of 46 over the mandatory program size for a total FSS program size of 130.

Exception to Program Operation [24 CFR 984.105(c)]

The requirement to establish and carry out an FSS program may be waived with approval from HUD. In order to waive the requirement, the PHA must provide a certification to HUD that the establishment and operation of an FSS program is not feasible because of a lack of accessible supportive services funding, a lack of the availability of programs under the Workforce Innovation and Opportunity Act, a lack of funding for reasonable administrative costs, a lack of cooperation by other units of state or local government, or a lack of interest in participating in the FSS program on the part of eligible families.

An exception will not be granted if HUD determines that local circumstances do not preclude the PHA from effectively operating an FSS program that is smaller than the minimum program size.

Reduction in Program Size

Rather than a full exception to program operation, a PHA may also be permitted to operate an FSS program that is smaller than the minimum program size. As with the full exception, HUD may grant the PHA such a partial exception if the PHA provides to HUD a certification that the operation of an FSS program of the minimum program size is not feasible because of a decrease in or lack of accessible supportive services [24 CFR 984.105(d)].

Expiration of Exception

The approval for a full or partial exception to the FSS minimum program size requirement expires five years from the date of HUD approval of the exception. If a PHA seeks to continue an exception after its expiration, the PHA must submit a new request and a new certification to HUD for consideration [24 CFR 984.105(e)].

2-II.C. COOPERATIVE AGREEMENTS [24 CFR 984.106]

A PHA may enter into a Cooperative Agreement with one or more multifamily-assisted housing owners to voluntarily make the PHA's FSS program available to the owner's housing tenants. The Cooperative Agreement must include all the requirements for such agreements found in 24 CFR 984.106 and 24 CFR 887.107.

PHA Policy

GHURA will not enter into a Cooperative Agreement with multifamily-assisted housing owners to voluntarily make its FSS program available to those owner's housing residents.

2-II.D. ESTIMATE OF PARTICIPATING FAMILIES [24 CFR 984.201(d)(2)]

The PHA must state the number of eligible FSS families who can reasonably be expected to receive supportive services under the FSS program based on available and anticipated federal, tribal, state, local, and private resources.

PHA Policy

One hundred thirty (130) eligible FSS families may be expected to receive supportive services under the FSS program, based on available and anticipated federal, tribal, state, local, and private resources.

2-II.E. ELIGIBLE FAMILIES FROM OTHER SELF-SUFFICIENCY PROGRAMS [24 CFR 984.201(d)(3)]

If applicable, the PHA must enter the number of families, by program type, who are participating in any other local housing self-sufficiency program who are expected to agree to execute an FSS contract of participation.

PHA Policy

GHURA does not operate other self-sufficiency programs and therefore no additional families from other programs are expected to execute an FSS contract of participation.

2-II.F. ELIGIBILITY OF A COMBINED PROGRAM [24 CFR 984.201(e)]

A PHA that wishes to operate a joint FSS program with other PHAs or owners of multifamily-assisted housing may combine its resources with one or more of these entities to deliver supportive services under a joint action plan that will provide for the establishment and operation of a combined FSS program that meets the requirements of this part.

PHA Policy

GHURA will not combine its resources with any other PHA to deliver support services, have a joint action plan, or establish or operate a combined FSS Program.

PART III: PROGRAM OPERATION

2-III.A. OVERVIEW

Federal regulations specify requirements for FSS program operation regarding deadlines for program start-up and when the PHA is expected to have attained full enrollment. A timetable illustrating when the PHA intends to meet these deadlines is included as part of the required contents of the action plan.

2-III.B. PROGRAM IMPLEMENTATION DEADLINE

The deadlines for program implementation differ depending on whether the FSS program is voluntary or mandatory.

Voluntary Program [24 CFR 984.301(a)]

There is no deadline for implementation of a voluntary program. However, a voluntary program may not be implemented before the requirements specified in 24 CFR 984.201 have been satisfied (see Sections 1-II.A.–1-II.D.).

2-III.C. TIMETABLE FOR PROGRAM IMPLEMENTATION [24 CFR 984.201(d)(13)]

A timetable for implementation of the FSS program is part of the required contents of the FSS action plan.

PHA Policy

GHURA has completed implementation of its FSS program on June 24, 1997, and currently operates a voluntary, joint FSS program incorporating both Section 8 Housing Choice Voucher and Public Housing program participants.

PART IV: DEFINITIONS

2-IV.A. DEFINITIONS [24 CFR 984.103]

The terms *1937 Act*, *fair market rent*, *HUD*, *low-income family*, *public housing*, *public housing agency (PHA)*, *secretary*, and *Section 8*, as used in this document are defined in the 24 CFR Part 5.

The term *very low-income family* is defined in 24 CFR 813.102 and 24 CFR 913.102.

The terms used in this document have the following definitions as defined by 24 CFR 984.103 and this family self-sufficiency action plan.

Baseline annual earned income means the FSS family's total annual earned income from wages and business income (if any) as of the effective date of the FSS contract. When calculating baseline annual earned income, all applicable exclusions of income must be applied, *except for* any disregarded earned income or other adjustments associated with self-sufficiency incentives that may apply to the determination of annual income.

Baseline monthly rent means 1) the FSS family's total tenant payment (TTP), as of the effective date of the FSS contract, for families paying an income-based rent as of the effective date of the FSS contract; or 2) the amount of the flat or ceiling rent (which includes the applicable utility allowance), and including any hardship discounts, as of the effective date of the FSS contract. For families paying a flat or ceiling rent this is as of the effective date of the FSS contract.

PHA Policy

Benefits means a government benefit of money or monetary value given to an individual by a federal, state, or local government agency for purposes of financial assistance, including but not limited to, Medicaid, supplemental nutritional assistance program benefits and Social Security, Temporary Assistance for Needy Families, and unemployment compensation benefits.

PHA Policy

Benefits cliff means the sudden and often unexpected decrease in public benefits that can occur with a small increase in earnings. When income increases, families sometimes lose some or all economic supports.

PHA Policy

Certain interim goals means the family has met all its obligations under the CoP to date, including completion of relevant interim goals.

Certification means a written assertion based on supporting evidence, provided by the FSS family or the PHA or owner, which must be maintained by the PHA or owner in the case of the family's certification, or by HUD in the case of the PHA's or owner's certification. These must be made available for inspection by HUD, the PHA or owner, and the public, when appropriate. In addition, these will be considered accurate unless the Secretary or the PHA or owner, as applicable, determines otherwise after inspecting the evidence and providing due notice and opportunity for comment.

Chief executive officer (CEO) means the CEO of a unit of general local government who is the elected official or the legally designated official having primary responsibility for the conduct of that entity's governmental affairs.

Contract of participation (CoP) means a contract in a form approved by HUD, entered into between a participating FSS family and a PHA operating an FSS program that sets forth the terms and conditions governing participation in the FSS program. The contract of participation includes all individual training and services plans entered in between the PHA and all members of the family who will participate in the FSS program, and which plans are attached to the contract of participation as exhibits. For additional detail, see 24 CFR 984.303.

Current annual earned income means the FSS family's total annual earned income from wages and business income (if any) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract. When calculating current annual earned income, all applicable exclusions of income will apply, including any disregarded earned income and other adjustments associated with self-sufficiency incentives or other alternative rent structures that may be applicable to the determination of annual income.

Current monthly rent means either the FSS family's TTP as of the most recent reexamination of income, which occurs after the effective date of the FSS contract, for families paying an income-based rent as of the most recent reexamination of income; or the amount of the flat rent, including applicable utility allowance or ceiling rent. This amount must include any hardship discounts, as of the most recent reexamination of income, which occurs after the effective date of the FSS contract, for families paying a flat rent or ceiling rent as of the most recent reexamination of income.

Earned income means income or earnings included in annual income from wages, tips, salaries, other employee compensation, and self-employment. Earned income does not include any pension or annuity, transfer payments, any cash or in-kind benefits, or funds deposited in or accrued interest on the FSS escrow account established by a PHA on behalf of a participating family.

Effective date of contract of participation means the first day of the month following the month in which the FSS family and the PHA entered into the contract of participation.

Eligible families for the FSS program means current participants in Section 8, residents of public housing, or residents in multifamily-assisted housing if a Cooperative Agreement exists.

PHA Policy

Enhance the effectiveness of the FSS program means a demonstrable improvement in the quality of an FSS program in which the enrollment ratio, escrow balance average, and graduation rate is at or above the national average as measured in HUD's Composite Scores in FR Notice 11/15/18.

Enrollment means the date that the FSS family entered the contract of participation with the PHA.

Family self-sufficiency program or FSS program means the program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the provision of supportive services to these families, as authorized by section 23 of the 1937 Act.

FSS escrow account means the FSS escrow account authorized by section 23 of the 1937 Act.

FSS escrow credit means the amount credited by the PHA to the participating family's FSS account.

FSS family means a family that receives Section 8 assistance or resides in public housing (section 9), that elects to participate in the FSS program, and whose designated adult member (head of FSS family) has signed the CoP.

FSS family in good standing means an FSS family that is in compliance with their FSS CoP, has either satisfied or are current on any debts owed the PHA or owner, and is in compliance with the regulations in 24 CFR Part 5 regarding participation in the relevant rental assistance program.

FSS-related service program means any program, publicly or privately sponsored, that offers the kinds of supportive services described in the definition of *supportive services*.

FSS slots refer to the total number of public housing units or the total number of rental vouchers that comprise the minimum size of a PHA's respective Section 8 and public housing FSS program.

FSS Program Coordinator means the person(s) who runs the FSS program. This may include (but is not limited to) performing outreach, recruitment, and retention of FSS participants; goal setting and case management/coaching of FSS participants; collaborating with the community and service partners; and tracking program performance.

FY means federal fiscal year (starting with October 1, and ending September 30, and designated by the calendar year in which it ends).

Head of FSS family means the designated adult family member of the FSS family who has signed the CoP. The head of FSS family may, but is not required to be, the head of the household for purposes of determining income eligibility and rent.

Individual Training and Services Plan (ITSP) means a written plan that is prepared by the PHA or owner in consultation with a participating FSS family member (the person with for and whom the ITSP is being developed), and which describes the final and interim goals for the participating FSS family member, the supportive services to be provided to the participating FSS family member, the activities to be completed by that family member, and the agreed upon completion dates for the goals, and activities. Each ITSP must be signed by the PHA or owner and the participating FSS family member and is attached to and incorporated as part of the CoP. An ITSP must be prepared for each adult family member who elects to participate in the FSS program, including the head of FSS family who has signed the CoP.

PHA Policy

Knowledgeable professional means a person who is knowledgeable about the situation, has training, education, certification, or licensure provided by recognized professional associations and institutions that legitimizes their professional opinion, is competent to render a professional opinion, and is not able to gain, monetarily or otherwise, from the PHA FSS program decision in the area to which they are certifying.

Multifamily-assisted housing, also known as project-based rental assistance (PBRA), means rental housing assisted by a Section 8 Housing Payments Program, pursuant to 24 CFR Parts 880, 881, 883, 884, and 886.

PHA Policy

Other costs related to achieving obligations in the contract of participation means any costs necessary to complete an interim goal, a final goal, or tasks related to such in the ITSP.

Owner means the owner of multifamily-assisted housing.

Participating family is defined as *FSS family* in this section.

Program coordinating committee (PCC) means the committee described in 24 CFR 984.202.

Public housing means housing assisted under the 1937 Act, excluding housing assisted under Section 8 of the 1937 Act.

Section 8 means assistance provided under Section 8 of the 1937 Act (42 U.S.C. 1437f). Specifically, multifamily-assisted housing, as defined in this section; tenant-based and project-based rental assistance under section 8(o) of the 1937 Act; the HCV homeownership option under section 8(y) of the 1937 Act; Family Unification Program (FUP) assistance under section 8(x) of the 1937 Act; and the Section 8 Moderate Rehabilitation (Mod Rehab) for low-income families and Moderate Rehabilitation Single Room Occupancy (Mod Rehab SRO) for homeless individuals under 24 CFR part 882.

Self-sufficiency means that an FSS family is no longer receiving Section 8, public housing assistance, or any federal, state, or local rent or homeownership subsidies or welfare assistance. Achievement of self-sufficiency, although an FSS program objective, is not a condition for receipt of the FSS account funds.

PHA Policy

Supports means, but is not limited to, transportation, childcare, training, testing fees, employment preparation costs, other costs related to achieving obligations outlined in the CoP, and training for FSS Program Coordinator.

Supportive services mean those appropriate services that a PHA will coordinate on behalf of an FSS family under a CoP. These may include child care of a type that provides sufficient hours of operation and serves an appropriate range of ages; transportation necessary to enable a participating family to receive available services or to commute to their places of employment; remedial education; education for completion of secondary or post-secondary schooling; job training, preparation, and counseling; job development and placement; follow-up assistance after job placement and completion of the contract of participation; substance/alcohol abuse treatment and counseling; training in homemaking and parenting skills; and personal welfare services that include substance/alcohol abuse treatment and counseling, and health, dental, mental health and health insurance services; household management; money management; counseling regarding homeownership or opportunities available for affordable rental and homeownership in the private housing market (including information on an individual's rights under the Fair Housing Act) and financial empowerment that may include financial literacy, coaching, asset building, money management; and any other services and resources, including case management and reasonable accommodations for individuals with disabilities, that the PHA may determine to be appropriate in assisting FSS families to achieve economic independence and self-sufficiency.

Unit size or *size of unit* refers to the number of bedrooms in a dwelling unit.

Very low-income family is defined as set out in 24 CFR 813.102.

Welfare assistance means (for purposes of the FSS program only) income assistance from federal or state welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs. Welfare assistance does not include nonrecurrent, short-term benefits that are designed to deal with a specific crisis situation or episode of need, or are not intended to meet recurrent or ongoing needs and will not extend beyond four months; work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training); supportive services such as child care and transportation provided to families who are employed; refundable earned income tax credits; contributions to, and distributions from, individual development accounts under TANF; services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement and other employment-related services that do not provide basic income support; transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Social Security Act, to an individual who is not otherwise receiving assistance; amounts solely directed to meeting housing expenses; amounts for health care; food stamps and emergency rental and utilities assistance; and SSI, SSDI, or social security.

Chapter 3

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices as they are relevant to the activities covered in this plan. The policies and practices are discussed in two parts:

Part I: Staffing, Fees and Costs, and On-Site Facilities: This part describes identifying appropriate staff and contractors to operate the FSS program and provide the necessary direct services to FSS families. In addition, it describes how administrative fees, costs, and supportive services will be funded, and defines the use of on-site facilities.

Part II: The Program Coordinating Committee: This part covers the establishment of a program coordinating committee (PCC), which is a regulatory requirement in all FSS programs other than multifamily housing assistance. It describes required and recommended PCC membership, in addition to the option for an alternative committee.

PART I: STAFFING, FEES AND COSTS, AND ON-SITE FACILITIES

3-I.A. OVERVIEW

Several functions of program administration are crucial to running an FSS program. A PHA may need to employ a program coordinator or decide to contract with another organization to administer the program. In addition to staffing issues, PHAs should understand how program funding and expenses work to keep the program running smoothly. Finally, PHAs need to sort out whether and how to make common areas or unoccupied units available to provide supportive services.

3-I.B. PROGRAM ADMINISTRATION STAFF AND CONTRACTORS [24 CFR 984.301(b)]

PHAs have the choice between hiring their own staff and contracting with an outside organization to administer their FSS program. If the PHA should choose to employ its own staff, the staffing levels should be appropriate, and may include one or more FSS coordinators. If the PHA chooses to contract with an outside organization, the organization's staffing levels must likewise be appropriate to establish and administer the FSS program, and whether the organization's responsibilities would include managing the FSS account in accordance with federal regulations.

PHA Policy

GHURA will employ appropriate staff, including one or more FSS coordinators or program coordinators to administer its FSS program.

3-I.C. FSS PROGRAM COORDINATOR RESPONSIBILITIES

Primary Role of the FSS Program Coordinator

The FSS Program Coordinator is responsible for building partnerships with service providers in the community, working with the Program Coordinating Committee (PCC) and local service providers to ensure that FSS program participants are linked to the supportive services they need to achieve self-sufficiency, preparing an Individual Training and Services Plan (ITSP) for the head of the FSS family and each adult member of the FSS family who elects to participate in the FSS program, making certain that the services included in the participants' CoP are provided on a regular, ongoing, and satisfactory basis, ensuring FSS participants are fulfilling their responsibilities under the CoPs, monitoring progress of participants, and establishing and properly maintaining FSS escrow accounts for eligible families. FSS coordinators may also provide outreach, recruitment, goal setting, case management and coaching for FSS participants, and tracking of FSS program performance.

FSS Program Coordinators funded under the FSS Coordinator Notice of Funding Opportunity (NOFO) may not perform the routine public housing or Section 8 program functions of housing eligibility, leasing, rent calculation, and portability that are funded through Section 8 administrative fees or public housing operating funds unless doing so would enhance the effectiveness of the program. If conducting these functions would enhance the effectiveness of the FSS program, the PHA must seek prior approval from HUD of those enhancements to the FSS program and certify that doing so will neither interfere with the FSS Coordinator's ability to fulfill their primary role nor be used to balance or fill in for gaps in traditional staffing.

Performance of routine Section 8 or public housing functions for non-FSS families does not enhance the effectiveness of the FSS program and is therefore an ineligible use of FSS funds [2021 FSS NOFO, p. 36].

PHA Policy

GHURA will not require the FSS Program Coordinator to perform the routine Section 8 or public housing program functions of housing eligibility, leasing, rent calculation, and portability that are funded through Section 8 administrative fees or public housing operating funds.

3-I.D. ADMINISTRATIVE FEES AND COSTS

The Consolidated Appropriations Act of 2014 combined funding streams for the Section 8 and public housing FSS programs. FSS funding is now awarded through one NOFO. Use of this funding is no longer restricted to the applicable program and funding now may be used to serve both Section 8 and public housing FSS participants. Funding for FSS Coordinators salary, benefits, and training as well as limited administrative costs is awarded through a Grant Agreement and disbursed through HUD's Line of Credit Control System (LOCCS), rather than as an amendment to the PHA's Annual Contributions Contract (ACC). These funds are separate from other available funds that may be used.

Section 8 FSS Program

In the Section 8 programs, administrative fees are paid to PHAs for HUD-approved costs associated with the operation of an FSS program. These administrative fees are established by Congress and subject to appropriations [24 CFR 984.302(b)].

In addition, administrative fees for HUD-approved costs not specifically related to the operation of the FSS program may be used to cover these costs associated with the administration of FSS [see Notice PIH 93-24 E-7 and E-8].

See 24 CFR 982.152 and PIH 2022-18 for details on the eligible use of administrative fees.

Public Housing FSS Program

For public housing FSS programs, the performance funding system (PFS), provided under section 9(a) of the 1937 Act, provides for the reasonable and eligible administrative costs that the PHA incurs in carrying out the program only when funds have been appropriated. However, a PHA may use other resources for this purpose [24 CFR 984.302(a)].

In other words, the PHA may fund reasonable and eligible administrative costs in the FSS program from the Operating Fund. However, these expenses will only be reimbursed in the operating subsidy when a current appropriations act allows it. In addition, the PHA may fund reasonable and eligible administrative costs from the Capital Fund. Administrative staffing costs may also be funded through HUD or other grant or foundation sources. This includes FSS Coordinator grants when available.

PHA Policy

GHURA will make Section 8 HCV administrative fees and public housing operating reserves available to provide administrative costs under the Section 8 and public housing FSS program.

3-I.E. SUPPORTIVE SERVICES FEES AND COSTS

Section 8 FSS Supportive Services

In the Section 8 program, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from unrestricted net position [see Notice PIH 93-24, E-3].

The PHA may seek additional funds from HUD through submitting grant applications or seek grants from other sources when available.

In addition to unrestricted net position and other grant sources, the FSS forfeited escrow account can fund FSS supportive services. See Section 6-I.E. for eligible supportive services costs.

Public Housing FSS Supportive Services

In public housing, the PHA may fund reasonable and eligible FSS supportive service costs in the FSS program from the Operating Fund. However, the costs of FSS supportive services are only reimbursed through the operating subsidy when appropriations allow it.

FSS public housing supportive services can also be funded through other HUD grants or related government and foundation grants, when available.

PHA Policy

The PHA will make Section 8 HCV unrestricted net position, and public housing program operating reserves available to provide supportive service costs under the Section 8 HCV/public housing FSS program.

3-I.F. USE OF FORFEITED ESCROW ACCOUNTS FUNDS

In addition to Section 8 unrestricted net assets, public housing operating funds, and other grant sources, the FSS forfeited escrow account funds must be used for the benefit of FSS participants, which includes supports and other costs for FSS participants in good standing. HUD does not provide an exhaustive list of these supports. However, the supports include, but are not limited to, transportation, childcare, training, testing fees, employment preparation costs, and other costs related to achieving obligations outlined in the contract of participation as well as training for FSS Program Coordinators.

PHA Policy

GHURA will use forfeited escrow accounts for support and other costs for FSS participants in good standing when funds requested are needed to complete an interim goal or task in the ITSP and are not ongoing expenses or if the family can demonstrate that the need for one-time payment of otherwise ongoing expenses such as rent, utilities, telephone, cell phone, pager, car payments, car maintenance, insurance, or childcare is needed to complete an interim goal, a final goal, or a task related to such goals in the ITSP.

GHURA will use forfeited escrow accounts for training provided to FSS Coordinators.

GHURA will define *supports* as defined in 24 CFR 984.305(f)(2)(i)(A) as transportation, childcare, training, testing fees, employment preparation costs, other costs related to achieving obligations outlined in the CoP, and training for FSS Program Coordinator(s)

GHURA will define *other costs related to achieving obligations in the CoP* as any costs necessary to complete an interim goal, a final goal, or tasks related to such in the ITSP as defined in 24 CFR 984.305(f)(2)(i)(A) as transportation, childcare, training, testing fees, employment preparation costs, other costs related to achieving obligations outlined in the CoP, and training for FSS Program Coordinator(s).

GHURA will define *necessary to complete* as meaning that no other resources are available in the community either because such a resource is non-existent or that resources are utilized above capacity and agencies cannot, for an indetermined period, provide such a resource.

GHURA will provide funds from the forfeited escrow account to FSS participants in good standing before requiring the participant to use an “interim” disbursement from their current escrow account so long as:

The funds requested are needed to complete an interim goal or task within the CoP and are not ongoing expenses; or

If the family has demonstrated that the need for one-time payment of otherwise ongoing expenses such as rent, utilities, telephone, cell phone, pager, car payments, car maintenance, insurance, or childcare is needed to complete an interim goal, a final goal, or a task related to such goals.

The PHA will prioritize requests for funds from forfeited escrow accounts initially on a first come first served basis based on the date and time of the request. After that order is established, while still preserving the first come first served basis, the PHA will apply the following priorities:

Priority 1: Funds to meet a goal in the ITSP that is necessary to ensure the safety and wellbeing of victims of domestic violence, dating violence, sexual assault, and stalking as defined in the PHA's Section 8 Administrative Plan and public housing Admissions and Continued Occupancy Policy regarding VAWA.

Priority 2: Funds to meet a goal in the ITSP that is necessary to stabilize health, safety, and welfare of the FSS participant or family that if left unattended would jeopardize education, training, or employment.

Priority 3: Funds to meet a goal in the ITSP that is necessary to further education, training, and employment goals in the ITSP including childcare, transportation, and medical costs if the lack of any of these prevents completion of the education, training, and employment.

Priority 4: Funds to meet a goal in the ITSP that is necessary to further any other goal or tasks.

3-I.G. ON-SITE FACILITIES

Each PHA may, subject to the approval of HUD, make available and utilize common areas or unoccupied dwelling units in public housing projects to provide supportive services under an FSS program. This includes using such areas for participants in a Section 8 FSS program.

PHA Policy

GHURA will make the Guam Housing and Urban Renewal Authority building, located at 117 Bien Venida Avenue, Sinajana GU, and Asset Management Sites (AMPS) available to provide supportive services under the Section 8 HCV/Public Housing FSS program.

PART II: PROGRAM COORDINATING COMMITTEE

3-II.A. OVERVIEW

As another integral part of FSS program administration, each participating PHA must establish a program coordinating committee (PCC) whose functions will be to assist the PHA in securing commitments of public and private resources for the operation of the FSS program within the PHA's jurisdiction, including assistance in developing the action plan and in implementing the program [24 CFR 984.202(a)].

The PCC must consist of specific members, which are dependent upon whether the PHA is operating Section 8, public housing, or multifamily assisted housing FSS programs. In addition to these required members, the PCC may also include additional members recommended by regulation.

3-II.B. PROGRAM COORDINATING COMMITTEE MEMBERSHIP

Required PCC Membership [24 CFR 984.202(b)(1)]

The PCC required members consist of representatives of the PHA, including at least one FSS Program Coordinator, and one or more participants from each HUD rental assistance program (Section 8, public housing, or multifamily assisted housing) served by the PHA's FSS program.

PHA Policy

GHURA's representatives to the program coordinating committee will be at least one FSS Program Coordinator, who will serve as administrative support to this committee.

Public Housing representatives may be solicited from the Resident Advisory Board, FSS alumni, and or a pool of public housing residents who may have expressed interest.

Section 8 HCV resident representatives may be solicited from FSS alumni, a pool of HCV residents who have expressed interest, and/or a recruitment effort of HCV residents by FSS staff.

Assistance in Identifying Potential PCC Members [24 CFR 984.202(b)(1)]

The PHA may seek assistance from area-wide, city-wide, or development-based resident councils, the resident management corporation, or the Resident Advisory Board, in identifying potential PCC members.

PHA Policy

GHURA will seek assistance in identifying potential members of the PCC from current and former graduates of its FSS program, and/or members of the Resident Advisory Board.

Recommended PCC Membership [24 CFR 984.202(b)(2)]

Membership on the PCC also may include representatives of the unit of general local government served by the PHA, local agencies (if any) responsible for carrying out employment training programs or programs funded under the Workforce Innovation and Investment Act, and other organizations, such as other state, local, or tribal welfare and employment agencies, public and private education or training institutions, child care providers, nonprofit service providers, private business, and any other public and private service providers with resources to assist the FSS program.

PHA Policy

GHURA FSS program coordinating committee membership will include leadership from the following organizations:

American Job Center (AJC)
Guam Department of Labor (GDL)
Guam Workforce Innovation and Opportunity Act (WIOA)
Department of Public Health & Social Services (DPHSS)
DPHSS Community Health Services Section (CHHS)
DPHSS Guam Breast & Cervical Cancer Early Detection Program (GBCCEDP)
Department of Integrated Services for Individuals with Disabilities (DISID)
Division of Vocational Rehabilitation (DVR)
Guam Community College (GCC)
GCC Adult Education Program (GCC AEP)
GCC Office of Accommodative Services (OAS)
Guam Department of Education (GDOE)
Guam Regional Transit Authority (GRTA)
The Salvation Army – Guam Community (TSA)
University of Guam (UOG)
UOG Small Business Development Center (SBDC)
UOG Center for Excellence in Developmental Disabilities, Education, Research & Service
(Guam CEDDERS)

Additional Supportive Services may be obtained through the following public and private organizations:

GHURA Certified Housing Counseling Services
Guam Behavioral Health & Wellness Center (GBHWC)
Guam Bureau of Women’s Affairs (GBWA)
Guam Memorial Hospital Authority (GMHA)
TODU Guam Foundation
Guam Unique Merchandise & Arts (GUMA) Training Program
Guam Catholic Social Services (CSS)
Guma Mami
Guam Association of Retired Persons (GARP/SPIMA)
Bank of Hawaii (BOH)
Guam Habitat for Humanity (GHH)
Sinajana Mayor’s Office

3-II.C. ALTERNATIVE PCC COMMITTEE [24 CFR 984.202(c)]

It is also possible for the PHA, in consultation with the chief executive officer of the unit of general local government served by the PHA, to use an existing entity as the PCC, if the membership of the existing entity consists or will consist of the individuals required by regulation (See section 3-II.B. above).

PHA Policy

GHURA will continue to utilize its existing program coordinating committee, and alternate committee members, as necessary.

Chapter 4

SELECTING AND SERVING FSS FAMILIES

INTRODUCTION

FSS regulations require that the PHA include in its action plan a statement indicating how it will select families for participation in the FSS program. This includes outreach, waiting list management, and other selection procedures. When followed, the PHA's selection procedures ensure that families will be selected without regard to race, color, religion, sex, handicap, familial status, or national origin.

Once selected for participation in the FSS program, families are to be provided various activities and supportive services so that they may obtain the education, employment, business, and social skills necessary to achieve self-sufficiency. A description of such activities and supportive services is also a requirement of the FSS action plan.

This chapter contains three parts:

Part I: Incentives, Outreach, and Assurance of Noninterference: This part describes the incentives the PHA will offer and the outreach efforts the PHA will use to encourage participation and recruit eligible families for the FSS program and contains the required assurance of noninterference with the rights of nonparticipating families.

Part II: Family Selection: This part covers whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so. In addition, this part describes the selection factors the PHA will use in screening families for participation in the FSS program.

Part III: Activities and Support Services: This part lists the activities and supportive services to be provided to families through both public and private resources, describes the method the PHA will use to identify family support needs, and covers the required certification of coordination.

PART I: INCENTIVES, OUTREACH, AND ASSURANCE OF NONINTERFERENCE

4-I.A. OVERVIEW

The FSS program offers incentives such as the FSS escrow account, case management, coaching, and other supportive services that not only encourage participation, but also help families achieve self-sufficiency. In addition to encouraging program participation through such incentives, PHAs also conduct outreach to recruit FSS participants from among eligible families. As part of this process, families need to know that their choice as to whether to participate in the FSS program will not affect their admission to the Section 8 or public housing programs, nor will it affect their right to occupancy. This part describes the PHA's policies regarding these issues, all of which are required aspects of the FSS action plan.

4-I.B. INCENTIVES FOR PARTICIPATION [24 984.201(d)(5)]

By regulation, the FSS action plan must include a PHA’s incentives plan—a description of the incentives that the PHA intends to offer eligible families to encourage their participation in the FSS program. The incentives plan provides for the establishment of the FSS escrow account and any other incentives designed by the PHA.

PHA Policy

The PHA will offer the following services, as needed to complete obligations in the contract, to its FSS participants as incentives to participate in FSS.

Incentive	Provided By	Description
FSS escrow account	GHURA	An interest bearing FSS escrow account is maintained by GHURA which grows as the earnings of the FSS participants increase.
Case management/Coaching	GHURA / PCC	Collaborative process with like professionals provided to assist FSS families to achieve their goals, providing enhanced support and holistic case management.
Information and referrals to services	GHURA	Providing and directing families to appropriate community resources, and enhanced access to educational, training, and employment opportunities.
Educational workshops/programs	GHURA / PCC	Provide participants with opportunities to work with professionals in various fields to achieve knowledge, and promote progress, and other important life skill workshops.
Disbursements	GHURA	Potential disbursement of forfeited escrow funds for the purpose of education, training, emergency transportation, and/or preparation for employment.

4-I.C. OUTREACH EFFORTS [24 CFR 984.201(d)(6)(i)(ii)]

In addition to offering incentives for FSS participation, PHAs also conduct outreach to recruit more FSS participants from eligible families. The FSS action plan must include a description of these efforts to recruit FSS participants, including notification and outreach, the actions the PHA will take to assure that both minority and nonminority groups are informed about the FSS program, and how the PHA will make this information known.

PHA Policy

GHURA will notify eligible families about the FSS program using the following outreach locations, or activities and methods. GHURA employs and/or has access to bilingual staff who are able to accommodate persons with Limited English Proficiency (LEP). These points of contact and methods have been selected to ensure that both minority and nonminority groups are informed about the FSS program.

Location/Activity	Staff/Partner	Method	Language
Briefings/Orientations	PHA Staff Specialist	Flyer Presentation	English (other languages may be made available with notice)
Interims/Recertifications	PHA Staff Specialist	Flyer Posters Presentation Referral Form	English (other languages may be made available with notice)
Lobby	PHA Staff Receptionist	Flyer Posters Referral Form	English
Waiting Room	PHA Staff	Flyer Posters	English
Inspections	PHA Staff Inspector	Flyer Presentation	English
PHA Website Social Media	PHA Staff	Announcements & Updates	English

4-I.D. ASSURANCE OF NONINTERFERENCE WITH THE RIGHTS OF NONPARTICIPATING FAMILIES [24 CFR 984.201(d)(10)]

A family's housing assistance or admission into assisted housing should never depend on whether they choose to participate in the FSS program, and PHAs need to make this known as part of the recruitment process. For this reason, the PHA's action plan must include an assurance that a family's decision to not participate in the FSS program will not affect the family's admission to the Section 8 or public housing programs, nor will it affect the family's right to occupancy in accordance with the lease.

PHA Policy

Participation in the FSS program is strictly voluntary. Section 8 participants and public housing residents will be notified in all literature and media presentations related to the FSS program that should they decide not to participate in the FSS program, it will not affect their Section 8 or public housing. This material will also specify that the family will retain the right to occupancy according to their lease and family obligations contract.

PART II: FAMILY SELECTION

4-II.A. OVERVIEW

The FSS action plan is required to contain a statement indicating the procedures for selecting families for FSS program participation, including a description of how the PHA will do so without regard to race, color, religion, sex (including actual or perceived gender identity), familial status, or national origin. This part describes these procedures, considering whether the PHA will use preferences for family selection and which preferences the PHA will employ if they choose to do so, in addition to defining the factors the PHA will use in screening families for program participation.

4-II.B. FSS SELECTION PREFERENCES

As part of the process for selecting families for participation in the FSS program, the PHA may choose whether to employ the use of preferences. If the PHA so chooses, it has the option of giving a selection preference for up to 50 percent of its FSS program slots to eligible families who have one or more family members currently enrolled in an FSS-related service program or who are on the waiting list for such a program. Such a preference may be further limited to participants in and applicants for one or more specific eligible FSS-related service programs.

Should the PHA choose to adopt such a preference, it would need to include the following information in its action plan:

- The percentage of FSS slots, not to exceed 50 percent of the total number of FSS slots for each of its FSS programs, for which it will give a selection preference
- The FSS related service programs to which it will give a selection preference to the programs' participants and applicants
- The method of outreach to and selection of families with one or more members participating in the identified programs [24 CFR 984.203(a)]

A PHA may wish to adopt additional selection preferences as well [Notice PIH 93-24].

PHA Policy

GHURA will not adopt the use of any other preferences when selecting families for participation in the FSS program.

Participation is voluntary and is open to current participants in the Section 8 HCV and public housing programs without regard to race, color, religion, sex, handicap, familial status or national origin. GHURA maintains no selection process, except for "first-come, first-served", based upon time and date interest is expressed.

The PHA may use either of the following to select among applicants on the FSS waiting list with the same preference status [24 CFR 984.203(b)]:

- Date and time of application to the FSS program; or
- A drawing or other random choice technique.

PHA Policy

GHURA will use the date the family expressed an interest in participating in the FSS program to fill the FSS slots.

4-II.C. SELECTION FACTORS

Many factors contribute to whether a PHA may choose to select a family for participation in the FSS program. These selection factors can help the PHA screen families for admission, and ultimately contribute to the PHA’s decision to either allow or deny a family’s admission into the FSS program.

Motivation Selection Factors [24 CFR 984.203(d)(1)]

A PHA may screen families for interest and motivation to participate in the FSS program provided that the factors utilized by the PHA are those which solely measure the family’s interest and motivation to participate in the FSS program. For this reason, PHAs must only apply motivational screening factors that are permissible under the regulations.

Permissible Motivation Selection Factors

Permitted motivational factors include requiring attendance at FSS orientation sessions or pre-selection interviews or assigning certain tasks indicating the family’s willingness to undertake the obligations that may be imposed by the FSS contract of participation. However, any tasks assigned should be readily accomplishable by the family based on the family members’ educational level, abilities, or disabilities, if any. Reasonable accommodations must be made for individuals whose disability (mobility, manual, sensory, speech impairments, mental, or developmental disabilities) creates a barrier to accomplishing the tasks [24 CFR 984.203(d)(2)].

PHA Policy

GHURA will screen families for interest and motivation to participate in the FSS program by invitation to an orientation which is the same type of meeting or workshop for each family. GHURA will use the fact that the family attended as a screening factor. In addition, interested families must schedule an appointment with the FSS Coordinator to discuss expectations of the program, set goals, and execute the Contract of Participation. If the family needs either childcare or transportation to be able to attend, or requests an accommodation for disability, GHURA will either refer the family to available services or exempt the family from this screening factor.

Prohibited Motivation Selection Factors

Prohibited motivational screening factors include the family's educational level, educational or standardized motivational test results, previous job history or job performance, credit rating, marital status, number of children, or other factors, such as sensory or manual skills, and any factors which may result in discriminatory practices or treatment toward individuals with disabilities or minority or nonminority groups [24 CFR 984.203(d)(3)].

Other Selection Factors

In addition to motivational screening, the PHA may also wish to screen families for the following additional factors.

PHA Debt Selection Factor

The PHA may deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with Section 8 or public housing assistance [Notice PIH 93-24, B-18].

PHA Policy

The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with Section 8 or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will not be denied FSS participation.

Unavailable Support Services Selection Factor

If the PHA determines, after consulting with the family, that a missing service is essential to the family's needs, the PHA may skip that family (and other similar families) and offer the FSS slot to the next family for which there are available services [Notice PIH 93-24, B-8].

PHA Policy

GHURA will not skip a family if a service is unavailable. GHURA will make every effort to provide the family with alternative services available in the community. The decision to participate will be left to the family's discretion

Previous Participation Selection Factor

A PHA may refuse to select a family for participation in the FSS program a second time if that family previously participated unsuccessfully (i.e., the family participated, did not meet its FSS obligations, and was terminated from the FSS program) [Notice PIH 93-24, B-14].

PHA Policy

GHURA will not refuse to select a family for participation in the FSS program a second time if that family previously participated and did not complete the COP, but left in good standing. This will be determined on a case-by-case basis, at GHURA's discretion.

Families participating in the FSS program may reenroll following graduation or completion of the program provided there is no current wait list for the program. In such an instance where there is a wait list, the family will be added to the bottom of the wait list.

Previous participants are not eligible to re-enroll in FSS if:

- The FSS participant is terminated for non-compliance pertaining to public housing lease and/or HCV program, or commits any fraud, bribery, or any other corrupt or criminal act in connection with any GHURA housing programs.

4-II.D. SELECTION OF HEAD OF HOUSEHOLD

Each eligible family that is selected to participate in an FSS program must enter a contract of participation with the PHA. There will be no more than one contract at any time for each family. There may be an ITSP for as many members of the family who wish to participate. The contract shall be signed by a representative of the PHA and the head of FSS family, as designated by the family. This head of FSS family does not have to be the same as the official head of household for rental assistance purposes [24 CFR 984.303(a)].

PHA Policy

GHURA will meet with the family and detail the obligations, rights, and privileges that pertain to the FSS head of household and require each adult family member to certify their agreement as to their designated head of the FSS family. These certifications will be a permanent part of the FSS family's record and will be updated with each change of head of household.

PART III: ACTIVITIES AND SUPPORT SERVICES

4-III.A. OVERVIEW

Once families are admitted to the FSS program, the PHA becomes responsible for making sure these families are adequately served. The purpose of the family self-sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of Section 8 and public housing assistance programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. As such, upon selection, families are matched with the appropriate activities and supportive services so that they may obtain the education, employment, and business and social skills necessary to achieve self-sufficiency. This is a vital element of the FSS program. The PHA must make a good faith effort to replace the obtained services from another agency.

4-III.B. METHOD OF IDENTIFYING FAMILY SUPPORT NEEDS

[24 CFR 984.201(d)(8)]

Before a PHA can determine the services and activities it will provide to FSS families, it must identify the services and activities appropriate to each family. The action plan must contain a description of how the program will identify the needs of FSS families and deliver the services and activities according to these needs.

PHA Policy

Supportive service needs are identified by completion of an informal needs assessment with the FSS coordinator or case manager before completion of the initial individual training and services plan, and signing of the contract of participation.

4-III.C. FSS ACTIVITIES AND SUPPORT SERVICES DESCRIPTION
[24 CFR 984.201(d)(7)]

As part of the required contents of the action plan, PHAs must both describe the activities and supportive services to be provided by public and private resources to FSS families and identify the public and private resources that are expected to provide the supportive services.

Of course, this task assumes that the PHA has first identified the needed activities and supportive services.

PHA Policy

GHURA’s FSS program, through its partners on the program coordinating committee, will provide the following activities and support services to FSS families:

Support Service General	Support Service Specific	Source/Partner
Assessment	Vocational Assessment Educational Assessment Vocational Planning Educational Planning Disability Assessment Disability Vocational Assessment/Planning Disability Educational Assessment/Planning Drug/Alcohol Assessment Drug/Alcohol Planning	Adult Basic Education Career Center Community College Community Based Organizations Career Center Community College Vocational Rehabilitation Health Department Career Center Community-based Organizations
Education	High School English as a Second Language GED Post-secondary College	High School Adult Basic Education Community College University
Training	Skills Training Emerging Technologies Training Biomedical Training On-the-Job Training Functional Context Training	Adult Basic Education Community College University Community-based Organizations Workforce Innovation/American Job Centers

Support Service General	Support Service Specific	Source/Partner
Job Search Assistance	Resume Preparation Interviewing Skills Dress for Success Workplace Skills Job Development Job Placement	Guam Community College University of Guam Workforce Innovation/American Job Centers
Health Care	Health Assessments Immunization Clinics Dental Clinics Alcohol and Drug Prevention Alcohol and Drug Treatment	Guam Behavioral Health & Wellness Center Department of Public Health and Social Services Guam Memorial Hospital Community Partners (Oasis, TODU Guam, etc)
Child Care	Infant Care Toddler Care Preschool Care Afterschool Care	Child Care Resource Guam Department of Education
Financial Literacy	Financial Education/Coaching Debt Resolution Credit Repair	Bank of Hawaii Salvation Army Community-based Organizations
Legal Services	Document Review Counsel or Advice	Guam Legal Services Corp
Child/Adult Protective Services	Needs Assessment Case Planning Information Referral Crisis Management	Department of Public Health and Social Services
Crisis Services	Crisis Assessment Crisis Intervention Crisis Management Crisis Resolution	Guam Behavioral Health & Wellness Center
Mentoring	Mentoring Match	Guam Community College Workforce Investment Act Youth Programs Community-based Organizations

Support Service General	Support Service Specific	Source/Partner
Micro and Small Business Development	Training Planning Technical Assistance Mentoring	Guam Small Business Development Center Guam Chamber of Commerce Community-based Organizations
Homeownership	Training Planning Debt Resolution	GHURA (Housing Counseling) Guam Housing Corporation Community-based Organizations

4-III.D. CERTIFICATION OF COORDINATION [24 CFR 984.201(D)(12)]

The FSS action plan is required to contain a certification that the development of the activities and services under the FSS program has been coordinated with the JOBS program (now Welfare to Work under TANF), the programs under title I of the Workforce Innovation and Opportunity Act, and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of the FSS program's activities and services must continue to be coordinated as such to avoid duplication of activities and services.

PHA Policy

GHURA certifies that its FSS program has developed its services and activities in coordination with programs under Title I of the Workforce Innovation and Opportunity Act, Workforce Investment Board and American Job Centers (also known as Workforce Centers or One Stop Career Centers), and any other relevant employment, child care, transportation, training, and education programs in the applicable area. The implementation of these activities and services will continue to be coordinated in this manner to avoid duplication of activities and services.

Chapter 5

CONTRACT OF PARTICIPATION

INTRODUCTION

Each family that is selected to participate in an FSS program must enter into a contract of participation with the PHA. This contract, which is signed by the head of the FSS family, sets forth the principal terms and conditions governing participation in the FSS program, including the rights and responsibilities of the FSS family and of the PHA, the services to be provided to the head of the FSS family and each adult member of the family who elects to participate in the program, and the activities to be completed by them. The contract also incorporates the individual training and services plan [24 CFR 984.303].

This chapter contains two parts:

Part I: Overview and Family Obligations: This part provides an overview of the form and content of the contract of participation and describes what the contract requires of FSS families.

Part II: Contract Specifications: This part explains the specifications of the contract, including terms and conditions, contract modification, contract terminations, and grievance procedures.

PART I: OVERVIEW AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

The purpose of the FSS contract of participation is to set forth the principal terms and conditions governing participation in the FSS program, including the incorporation of the individual training and services plan (ITSP) as part of the contract's required contents. The ITSP is meant to establish goals the FSS family will meet along the family's way to completing the contract and becoming self-sufficient. In addition to the goals specified in the ITSP, the contract also lists the responsibilities of the family and the PHA. This part covers the ITSP as part of the required contents of the contract of participation, and the family's obligations under the contract.

5-I.B. CONTENTS OF THE CONTRACT OF PARTICIPATION

Individual Training and Services Plan

There will only ever be one FSS contract of participation (CoP) at any time for each FSS family. As part of the required contents of the FSS contract of participation (CoP), the individual training and services plan (ITSP) establishes specific interim and final goals by which the PHA and the family measure the family's progress toward fulfilling its obligations under the contract of participation and becoming self-sufficient. Interim and final goals will differ depending on the family's individual needs. Regulations require the establishment of a final goal that includes both employment for the head of the FSS family and independence from welfare assistance for all family members regardless of age.

Interim Goals [24 CFR 984.303(b)(2)]

PHAs must work with each participant to establish realistic and individualized goals and may not include additional mandatory goals or mandatory modifications of the two mandatory goals.

Individual Training and Service Plans for Other than FSS Head [24 CFR 984.103]

An individual training and services plan is required for the head of the FSS family and all adults choosing to participate. ITSPs must be prepared for each adult family member participating. ITSPs are prepared by the PHA, in consultation with the participating family member [Notice PIH 93-24, G-16.

5-I.C. FAMILY OBLIGATIONS

Compliance with Lease Terms [24 CFR 984.303(b)(3)]

One of the obligations of the FSS family according to the contract of participation is to comply with the terms and conditions of the Section 8 or public housing lease.

Inability to comply with the lease represents an inability to comply with the contract, therefore regulations regarding noncompliance with the FSS contract apply [see 24 CFR 984.303(b)(5)]. It is up to the PHA to determine the plan of action for FSS families found in noncompliance with the lease and how the PHA will precisely define the term *comply with the lease*. All considerations allowed for other assisted residents regarding violations of the lease, must also be allowed for FSS participants.

PHA Policy

GHURA will define *comply with the lease* to mean the FSS family has not been evicted for repeated or serious violations of the lease as defined in the Section 8 Administrative Plan and public housing Admissions and Continued Occupancy Policy; or if they have been evicted for repeated and serious violations of the lease, the family has pursued their right to grieve, and the family has prevailed in either the grievance hearing or the informal hearing process.

GHURA's FSS program will not terminate the FSS contract of participation for failure to comply with the terms of the lease.

Employment Obligation [24 CFR 984.303 (b)(4)]

Another obligation set forth by the contract of participation is for the head of the FSS family to *seek and maintain suitable employment* during the term of the contract and any extension. Although other members of the FSS family may seek and maintain suitable employment during the term of the contract, it is only a requirement for the head of the FSS family.

The obligation for the head of the FSS family to *seek employment* is defined in the regulatory language as meaning that the head of the FSS family has searched for jobs, applied for employment, attended job interviews, and has otherwise followed through on employment opportunities. However, this definition still leaves room for policy decisions on the part of the PHA because it does not define the level of activity involved in “seeking.”

There is no regulatory definition of *maintain suitable employment*. For this reason, it is up to the PHA to define the term. However, there can be no minimum period of time that the head of the FSS family must work.

With the agreement of the FSS family member, the PHA makes a determination of what it means to maintain suitable employment based on the skills, education, and job training of the FSS head of household, receipt of other benefits of the family member, and the available job opportunities within the jurisdiction served by the PHA. This means that the PHA must consult with the family member and agreement must be reached as to what *maintain suitable employment* is for that family member [24 CFR 984.303 (b)(4), Notice PIH 93-24, G-3].

PHA Policy

For purposes of GHURA’s FSS program, *seek employment* means the head of household has applied for employment, attended job interviews, and otherwise followed through on employment opportunities as outlined in the individual training and services plan of their contract of participation.

Maintain suitable employment means that the head of household will complete all the obligations outlined in the individual training and services plan of his or her contract of participation (CoP) and be employed on the last effective day of the CoP.

Economic self-sufficiency is defined as having the sustainable skills, training and education necessary to secure and maintain employment paying sufficient income to consistently meet the family’s basic needs with no or minimal use of financial assistance from public or private organizations.

5-I.D. CONSEQUENCES OF NONCOMPLIANCE WITH THE CONTRACT

Consequences apply for families who do not meet the terms and conditions of the contract. The regulations require that the contract of participation specify that if the FSS family fails to comply, without good cause, with the terms and conditions of the contract (including compliance with the Section 8 or public housing lease), the PHA may:

- Withhold supportive services
- Terminate the family's participation in the FSS program

PHAs are not permitted to terminate a family's housing assistance due to the family's failure to meet its obligations under the contract of participation [24 CFR 984.101(d)].

PHA Policy

The contract of participation (CoP) will be terminated before the expiration of the contract term if the participant fails to meet, without "good cause," their obligations as outlined in the CoP. If the participant fails to meet its obligations outlined in the CoP, the FSS coordinator, or their designee, will first meet with the family to reassess the need for supportive services or a change in the individual training and services plan (ITSP).

If a reassessment of supportive services and a change in the ITSP is not successful in bringing the family in to compliance, the FSS coordinator will reassess the need for, and availability of, supportive services and refer the participant to a knowledgeable professional for a formal assessment of the challenges leading to the noncompliance.

The FSS Coordinator will use this formal assessment to identify and refer to resources that remove the challenge so the participant is able to meet their obligations outlined in the CoP.

Finally, if neither of these alternatives is successful, the FSS coordinator will terminate the CoP for failure to complete the tasks, interim goals, or final goals of the ITSP in a timely manner, and thus failure to complete the obligations outlined in the CoP.

The FSS coordinator will make an exception to the actions in terminating the CoP if the participant can, with the assistance of the FSS Coordinator, demonstrate "good cause" for the failure to meet its obligations as outlined in the CoP.

For purposes of GHURA's FSS program, *good cause* includes circumstances beyond the control of the FSS family:

Family circumstances

Death in the family

Serious illness

Medical emergency

Mandatory court appearances

Involuntary loss of employment

Loss of head of household through death, incarceration, or removal from lease

Change in the ITSP improving progress toward economic self-sufficiency

Community circumstances

Significant reduction in workforce (over 20 percent reduction in employment field)

Significant interruption in service delivery (over 3 months interruption)

Provider noncompliance with regulation

Provider unable or unwilling to provide service

Provider offering inferior service

Active pursuit of a current or additional self-sufficiency goal

Resolution of a barrier to employment

Completion of a college degree or technical training

Completion of a work-related certification

Credit repair towards homeownership readiness

PART II: CONTRACT SPECIFICATIONS

5-II.A. OVERVIEW

In addition to making clear the family's obligations under the program, the contract of participation contains specific terms and conditions, including those governing contract modifications, terminations, and grievance procedures. This part describes those specifications and associated policy.

5-II.B. CONTRACT TERM [24 CFR 984.303(c)]

The contract term is five years. This means that the family has no more than five years from the effective date of the contract of participation (CoP) to fulfill their obligations as specified in the contract. This five year term requirement will be specified in the CoP.

Contract Extension [24 CFR 984.303(d)]

While the term set forth in the contract of participation is for five years, contract extensions are available. According to regulation, PHAs must for "good cause" extend the term of the contract for a period not to exceed two years for any FSS family that requests an extension of the contract in writing or verbally. The family's written or verbal (documented by the FSS Coordinator) request for an extension must include a description of the need for the extension. *Good cause* means circumstances beyond the control of the FSS family, as determined by the PHA, such as a serious illness or involuntary loss of employment (further defined by PHA policy in Section 5-I.D.). Extension of the contract of participation will entitle the FSS family to continue to have amounts credited to the family's FSS account.

5-II.C. MODIFICATION OF THE CONTRACT

The contract of participation (CoP) may be modified, as long as the PHA and the FSS family mutually agree to modify it. This includes modifications in writing with respect to the individual training and services plans (ITSPs), the contract term (See Section 5-II.B. above), and designation of the head of the family [24 CFR 984.303(f)]. The conditions under which the PHA will modify the contract are set forth in the policy below.

PHA Policy

In the GHURA FSS program, the CoP will be modified by mutual agreement between the PHA and the FSS head of household:

When modifications to the ITSP improve the participant's ability to complete their obligations in the CoP or progress toward economic self-sufficiency.

When the actual end date of the CoP is determined by the effective date of the FSS family's first reexamination changes the end date of the CoP.

When the designated head of the FSS family ceases to reside with other family members in the assisted unit, and the remaining family members, designate another family member to be the FSS head of household and receive escrow funds.

When an FSS family moves to the jurisdiction of a receiving PHA that does not have an FSS program and the family may not continue participation in the FSS program, and modification of the FSS contract will allow the family to complete the contract and receive an escrow disbursement or terminate the contract with escrow disbursement.

5-II.D. COMPLETION OF THE CONTRACT

By regulation, the contract of participation is considered to be completed when the head of household is employed and the FSS family has fulfilled all of its obligations under the contract of participation, including all family members' ITSPs, on or before the expiration of the contract term, including any extension thereof.

Policies on verifying completion of the contract of participation can be found in Section 6-I.C. of this action plan.

5-II.E. TRANSITIONAL SUPPORTIVE SERVICE ASSISTANCE

Even after a family has completed the contract of participation, a PHA may continue to offer appropriate FSS supportive services to a former completed FSS family. If the family still resides in Section 8 or public housing, these supportive services would be offered for becoming self-sufficient. If the family no longer resides in Section 8 or public housing, these supportive services would be offered for becoming self-sufficient or remaining self-sufficient. Transitional services for families who no longer reside in Section 8 or public housing, may only be offered using sources that are not HUD funds or HUD restricted funds [24 CFR 984.303(j)].

PHA Policy

GHURA will continue to offer supportive services to a former FSS family who has completed its contract of participation.

5-II.F. TERMINATION OF THE CONTRACT

Termination of the Contract with Escrow Distribution [24 CFR 984.303(k)]

The contract of participation will be terminated with escrow distribution before the expiration of the contract term, during any extension of the contract, or at end of the term of the contract if all obligations under such have not been met, when:

- Services that the PHA and the FSS family have agreed are integral to the FSS family's advancement towards self-sufficiency are unavailable, as described in Section 5-II.H. of this Action Plan. This type of termination is also referred to as "nullification" in the FSS regulations at 24 CFR 984.
- The head of the FSS family becomes permanently disabled and unable to work during the period of the contract, unless the PHA and the FSS family determine that it is possible to modify the contract to designate a new head of the FSS family; or

An FSS family in good standing moves outside the jurisdiction of the PHA (in accordance with portability requirements at 24 CFR 982.353) for good cause and continuation of the CoP after the move or completion of the CoP prior to the move is not possible. PHAs must be consistent in their determinations of whether a family has good cause for a termination with FSS escrow disbursement.

Termination of the Contract without Escrow Distribution [24 CFR 984.303(h)]

The contract of participation may be terminated before the expiration of the contract term and any extension of the contract by the following:

- Mutual consent of the parties
- Failure of the FSS family to meet its obligations under the contract of participation without good cause, including in a Section 8 FSS program the failure to comply with the contract requirements because the family has moved outside the jurisdiction of the PHA
- The family's withdrawal from the FSS program
- Such other act as is deemed inconsistent with the purpose of the FSS program
- Operation of law

PHA Policy

The contract of participation will be terminated before the expiration of the contract term, and any extension thereof, for any of the following reasons

Mutual consent of the parties.

Family's withdrawal from the FSS program.

Failure of the FSS family to meet its obligations under the contract of participation without good cause. *Good cause* for the purposes of the FSS program is also defined in Section 5-I.D. of this Action Plan.

Such other act as is deemed inconsistent with the purpose of the FSS program.

Operation of law.

If the FSS family faces termination due to failing to meet, without good cause, its obligations under the CoP, the PHA will follow the relevant policy specified in Section 5-I.D. of this action plan.

Note: If the family is unable to meet the requirements of the contract of participation because essential services are not available, the contract is *nullified*, not terminated.

In addition, the contract of participation is automatically terminated if the family's Section 8 assistance is terminated in accordance with HUD requirements [24 CFR 984.303(h)].

5-II.G. OPTION TO WITHHOLD SUPPORTIVE SERVICE [24 CFR 984.303(b)(5)(i)]

As touched upon in Section 5-I.D. of this action plan, the PHA has the option to withhold supportive services or the FSS family's participation in the FSS program if the PHA determines that the FSS family has failed to comply without good cause with the requirements of the contract of participation.

PHAs are not permitted to terminate Section 8 assistance to a family due to the family's failure to meet its obligations under the contract of participation [24 CFR 984.101(d)].

5-II.H. PHA OBLIGATION TO MAKE GOOD FAITH EFFORT TO REPLACE UNAVAILABLE SUPPORT SERVICES [24 CFR 984.303(e)]

PHAs must make an extensive good faith effort to replace services that community agencies either cannot or will not provide. If all of the steps below are exhausted without the provision of an integral service, the contract of participation can be ended ahead of time as a result. This, however, should only occur as a last resort. The PHAs good faith effort must be demonstrated by taking the following steps:

- If a social service agency fails to deliver the supportive services pledged under an FSS family member's individual training and services plan (ITSP), the PHA must make a good faith effort to obtain these services from another agency.
- If the PHA is unable to obtain the services from another agency, the PHA must reassess the family member's needs and determine whether other available services would achieve the same purpose.
- If other available services would not achieve the same purpose, the PHA shall determine whether the unavailable services are integral to the FSS family's advancement or progress toward self-sufficiency.
- If the unavailable services are not integral to the FSS family's advancement toward self-sufficiency, the PHA must revise the ITSP, delete these services, and modify the contract of participation to remove any obligation on the part of the FSS family to accept the unavailable services.
- If the unavailable services *are* determined to be integral to the FSS family's advancement toward self-sufficiency (which may be the case if the affected family member is the head of the FSS family), the PHA shall terminate the contract of participation and follow the requirements in Section 5-II.F. of this Action Plan.

Termination of the contract of participation based on unavailability of supportive services shall never be grounds for termination of Section 8 or public housing assistance.

5-II.I. GRIEVANCE PROCEDURES

When adverse action is taken by the PHA against a family, the PHA is required to provide a grievance hearing in the public housing program, or an informal hearing in the Section 8 program [24 CFR 966 subpart B, 24 CFR 982.554].

According to regulatory requirements, the FSS action plan must contain the grievance and hearing procedures available for FSS families against whom the PHA has taken adverse action with regards to FSS [24 CFR 984.201(d)(9)].

PHA Policy

The grievance and informal hearing procedures for the FSS program will be the same as the grievance and hearing procedures adopted for the Section 8 and public housing programs in the PHA's admissions and continued occupancy policy and administrative plan, respectively.

- Section 8 HCV families will be subject to the informal review and hearing procedures as outlined in Chapter 16, Part III of the Administrative Plan
- FSS families residing in public housing will utilize grievance procedures outlined in the Admissions and Continued Occupancy Policy (ACOP) and GHURA's public housing lease, as outlined in Chapter 14, Part III

Adverse actions taken within the FSS program include:

- Denial of admission into the FSS program
- Denial of request for supportive services
- Denial of request to change the ITSP
- Denial of request to change the head of household
- Denial of request for interim disbursement of the escrow account
- Denial of request to complete the CoP
- Denial of a request for extension to the FSS CoP
- Denial of request for either interim or final distribution of escrow account
- Withholding of support services
- Termination of the FSS CoP
- Denial of request for termination with escrow
- Denial of transitional services

Chapter 6

ESCROW ACCOUNT

INTRODUCTION

The establishment of an escrow account is offered as a support and financial incentive to families for participation in the FSS program. Generally, under this incentive, the amount of an increase in family rent resulting from an increase in earned income is escrowed. That is, usually a family's rent or share of the rent goes up when the family experiences an increase in earned income. In the FSS program, this is still the case, and the part of the rent representing the increase is deposited into an account as an escrow credit. The funds from this escrow account then become available to FSS families upon successful completion of their contracts of participation and may become available earlier at the housing authority's option.

This chapter explains how the FSS escrow account works, including calculating the amount of the escrow credit, disbursing the funds, and the proper way for the PHA to manage and report on the account.

This chapter contains two parts:

Part I: The Escrow Account: This part provides an overview of how the escrow account works, including calculating the escrow credit and disbursing the funds upon completion of the contract of participation.

Part II: Escrow Fund Accounting and Reporting: This part describes the requirements for managing the escrow account, including both accounting and reporting requirements.

PART I: THE ESCROW ACCOUNT

6-I.A. OVERVIEW

As an integral incentive to the FSS program, it is especially important to have clear-cut policy spelling out how the escrow account works. This includes policy regarding the calculation of the FSS credit amount, the disbursement of FSS account funds, the use of account funds for homeownership, and forfeiture of the FSS escrow account.

6-I.B. CALCULATING THE FSS CREDIT AMOUNT

Determination of Baseline Annual Earned Income and Baseline Monthly Rent

When determining the family's baseline annual earned income and the baseline monthly rent amounts for purposes of computing the FSS escrow credit, the PHA must use the amounts on the family's most recent income reexamination in effect.

For purposes of determining the FSS credit, baseline monthly rent for families paying an income-based rent is the family's Total Tenant Payment (TTP) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract.

For families in public housing who are paying either flat or ceiling rent, family rent is the amount of the flat rent (including the applicable utility allowance) or ceiling rent (including any hardship discounts) as of the most recent reexamination of income, which occurs after the effective date of the FSS contract [24 CFR 984.103(b)].

Determination of the Escrow Credit

To calculate the FSS credit, the PHA must accurately determine the family's baseline earned income and baseline monthly rent and compare those figures with the family's current earned income and current monthly rent. The FSS credit is the lesser of 30 percent of one-twelfth or 2.5 percent of the amount by which the family's current annual earned income exceeds the family's baseline annual earned income; or the increase in the family's monthly rent. The increase in the family's monthly rent is the lower of either the amount by which the family's current monthly rent exceeds the family's baseline monthly rent, or for Section 8 families, the difference between the baseline monthly rent and the current gross rent (*i.e.*, rent to owner plus any utility allowance) or the payment standard, whichever is lower [24 CFR 984.305(b)(2)].

Determination of Escrow Credit for Families Who Are Not Low Income

FSS families who are not low-income families are not entitled to any FSS credit [24 CFR 984.305(b)(2)].

Increases in FSS Family Income [24 CFR 984.304]

As described in the FSS credit calculations above, any increases in family earned income resulting in increases in family rent are deposited in the escrow account. For this reason, and because of the nature of the FSS account, any increase in the earned income of an FSS family during its participation in an FSS program may not be considered as income or an asset for purposes of eligibility of the FSS family for other benefits, or amount of benefits payable to the FSS family, under any other program administered by HUD.

Cessation of FSS Credit [24 CFR 984.305(b)(4)]

The PHA will not make any additional credits to the FSS family's FSS account when the family has completed the contract of participation, when the contract of participation is terminated, when the family is not low-income, or during the time a Section 8 family is in the process of moving to a new unit.

6-I.C. DISBURSEMENT OF FSS ACCOUNT FUNDS

Disbursement Before Completion of Contract

The PHA may at its sole option disburse FSS account funds before completion of the contract if the family needs a portion of the funds for purposes consistent with the contract of participation and the PHA determines that the FSS family has fulfilled certain interim goals established in the contract of participation. These interim disbursements could include using the funds to assist the family in meeting expenses related to completion of higher education (e.g., college, graduate school) or job training, or to meet start-up expenses involved in creation of a small business [24 984.305(c)(2)(ii)].

PHA Policy

GHURA will disburse a portion of the FSS escrow account funds before completion of the CoP when the family has met certain interim goals, which means the family has met all its obligations under the CoP to date, including completion of the ITSP interim goals and tasks to date, and:

Requested funds are needed to complete an interim goal or task within the CoP and are not ongoing expenses.

OR

The family has demonstrated that the need for one-time payment of otherwise ongoing expenses such as, car payments, car maintenance, insurance, or childcare is needed to complete an interim goal, a final goal, or a task related to such goals.

Disbursement at Completion of Contract [24 CFR 984.305(c)(1) and 24 984.305(c)(2)(i)]

When the contract has been completed, at or before the expiration date, according to regulation, the amount in the FSS account in excess of any amount the FSS family owes to the PHA under the public housing lease will be paid to the head of the FSS family. To receive the disbursement, the head of the FSS family must submit a certification (as defined in 24 CFR 984.103) to the PHA at the time of contract completion that, to the best of his or her knowledge and belief, no member of the FSS family is a recipient of welfare assistance.

Disbursement at Contract Termination [24 CFR 984.305(c)(3)]

The PHA must disburse to the family its FSS escrow account funds in excess of any amount owed to the PHA under the public housing lease when the contract has been terminated in certain circumstances. These circumstances include services are not available to the family that the PHA and the FSS family have agreed are integral to the FSS family's advancement towards self-sufficiency, when the head of the FSS family becomes permanently disabled and unable to work during the period of the contract (unless the PHA and the FSS family determine that it is possible to modify the contract to designate a new head of the FSS family), or when an FSS family moves outside the jurisdiction of the PHA and continuation of the CoP after the move is not possible according to the regulations. In circumstances where a family is not able to continue in FSS after the move, it is also possible for the PHA and the family to determine if the contract can be modified to make completion and receipt of the escrow monies, possible. PHAs must be consistent in their determinations of whether a family has good cause for a termination with FSS escrow disbursement.

Verification of Family Certification at Disbursement

The PHA must verify that the family has met the requirements of either interim, final, or termination of contract with escrow. Interim disbursement may only occur after the family has completed certain interim goals and funds are needed to complete other interim goals. Final disbursement can only occur after the family has completed the contract of participation and all members are welfare-free as defined by regulation. Disbursement at contract termination only occurs if the family circumstances involve an integral missing service, the disability of the FSS head of household, or an FSS family porting out of the jurisdiction of the PHA and HUD regulations do not allow continuation of the FSS contract. In each of these circumstances, it follows that the PHA may require verification for the completion of interim goals or the contract of participation.

At interim disbursement and before final disbursement of the FSS account funds to the family, the PHA may verify that the FSS family is no longer a recipient of welfare assistance by requesting copies of any documents which may indicate whether the family is receiving any welfare assistance, and by contacting welfare agencies [24 CFR 984.305(c)(4)].

HUD provides verification guidance in Notice PIH 2018-18. This guidance is mandatory for the Section 8 and public housing programs. The PHA's Administrative Plan or ACOP must contain verification policies following the hierarchy in this notice. The policies contained in the PHA's ACOP and Administrative Plan cover verification policies related to the FSS program in general. However, determining the need for interim disbursements may require more clarification as to what constitutes an acceptable third-party source.

PHA Policy

GHURA will require verification that the FSS family has completed certain interim goals, has completed the contract of participation, has met the requirements for termination with disbursement of escrow and that the FSS family is no longer a recipient of welfare assistance, as relevant, before making interim and final disbursements.

GHURA will follow HUD's verification hierarchy set forth in Notice PIH 2018-18 to make these verifications, including the guidance therein regarding documentation.

However, the PHA will use a *knowledgeable professional* as a third-party source to verify the need for interim disbursements.

Succession to FSS Account [24 CFR 984.305(d)]

FSS account funds should be disbursed to the head of the FSS family. However, if the head of the FSS family no longer resides with the other family members in Section 8 or public housing, the remaining members of the FSS family, after consultation with the PHA, have the right to designate another family member to receive the funds.

6-I.D. USE OF FSS ACCOUNT FUNDS FOR HOMEOWNERSHIP

According to regulation, a Section 8 or public housing FSS family may use their final distribution of FSS account funds for the purchase of a home, including the purchase of a home under one of HUD's homeownership programs, or other federal, state, or local homeownership programs, unless the use is prohibited by the statute or regulations governing the particular homeownership program [24 CFR 984.305(e)].

Homeownership is just one option for use of the FSS account funds. PHAs may not restrict the use of escrow funds at contract completion [Notice PIH 93-24, C-13].

6-I.E. USE OF FORFEITURE OF FSS ACCOUNT FUNDS

Amounts in the FSS account will be forfeited when the contract of participation is terminated without escrow disbursement, or when the contract of participation is completed by the family (see Section 5-II.D. of this action plan) but the FSS family is receiving welfare assistance at the time of expiration of the term of the contract of participation, including any contract extension [24 CFR 984.305(f)(1)].

Use of forfeited escrow accounts is described in detail in Section 3-I.F. of this FSS Action Plan.

Treatment of Forfeited FSS Account Funds

FSS escrow account funds forfeited by the FSS family must be used by the PHA for the benefit of the FSS participants. These funds may only be used for support for FSS participants in good standing. These supports include transportation, childcare, training, testing fees, employment preparation costs, and other costs related to achieving obligations outlined in the CoP; or training for FSS Program Coordinator(s). Forfeited FSS escrow accounts may not be used for salary and fringe benefits of FSS Program Coordinators, general administrative costs of the FSS program, for housing assistance payments (HAP) expenses or public housing operating funds. Accounting Brief 26 describes the accounting requirements in the treatment of forfeited escrow accounts.

PART II: ESCROW FUND ACCOUNTING AND REPORTING

6-II.A. OVERVIEW

Regulations set forth specific requirements involving the accounting and reporting for the FSS escrow account. This part describes those requirements and the PHA policy necessary for managing the account from the PHA perspective.

6-II.B. ACCOUNTING FOR FSS ACCOUNT FUNDS

When establishing FSS escrow accounts, the PHA must deposit the FSS account funds of all families participating in the PHA's FSS program into a single depository account for each (Section 8 or public housing) program. These funds are determined at each reexamination after the effective date of the contract and must be deposited each month to each family's subsidiary line item in the PHA's escrow account. In addition, the funds held in this account must be invested in one or more of the HUD-approved investments [24 CFR 984.305].

Crediting the Escrow Account [24 CFR 984.305(a)(2)(i)]

The total of the combined FSS account funds will be supported in the PHA accounting records by a subsidiary ledger showing the balance applicable to each FSS family. During the term of the contract of participation, the PHA must credit the amount of the FSS credit (see Section 6-I.B.) to each family's FSS account every month.

Proration of Investment Income [24 CFR 984.305(a)(2)(ii)]

Because the FSS account funds are to be invested, the investment income for those funds in the FSS account will also need to be credited to each family's account subsidiary line item. By regulation, these funds are to be prorated and credited to each family's FSS account based on the balance in each family's FSS account at the end of the period for which the investment income is credited.

PHA Policy

Each month, the full amount of the investment income for funds in the Section 8 HCV and public housing FSS account will be prorated and credited to each family's subsidiary line item after the deduction of unpaid rent and other amounts due under the Section 8 HCV and public housing assisted lease.

Reduction of Amounts Due by FSS Family [24 CFR 984.305(a)(2)(iii)]

At Completion for Monies owed to the PHA by the Family

If the FSS family has not paid the family contribution towards rent, or other amounts, if any, due under the public housing or Section 8 lease, the balance in the family's FSS account shall be reduced by that amount (as reported by the owner to the PHA in the Section 8 FSS program) at the time of final disbursement of FSS escrow funds. If the FSS family has underreported income after the baseline annual income is set, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

Before Completion for Underreported Income

At Baseline When the Family Joins FSS for Underreported Income

If the FSS family has underreported income after the baseline annual income is set, the amount credited to the FSS account will be based on the income amounts originally reported by the FSS family.

After Baseline When Family is in FSS for Underreported Income

If the FSS family is found to have under-reported income in the reexamination used to set the baseline, the escrow for the entire period of the CoP will be recalculated using the correct income to set the baseline and then calculate subsequent escrow amounts.

6-II.C. REPORTING ON THE FSS ACCOUNT

Each PHA must make a report, at least once annually, to each FSS family on the status of the family's FSS account.

At a minimum, the report must include [24 CFR 984.305(a)(3)]:

- The balance at the beginning of the reporting period
- The amount of the family's rent payment that was credited to the FSS account, during the reporting period
- Any deductions made from the account for amounts due the PHA before interest is distributed
- The amount of interest earned on the account during the year
- The total in the account at the end of the reporting period

PHA Policy

GHURA will provide FSS participants an annual statement on the status of their FSS escrow account.

Chapter 7

PORTABILITY IN SECTION 8 FSS PROGRAMS

INTRODUCTION

PHAs operating Section 8 FSS programs must be familiar with the rules and regulations regarding portability under the Section 8 program. As with the case of portability in the Section 8 program in general, the FSS family may move outside the initial PHA jurisdiction under portability procedures after the first 12 months of the FSS contract of participation [24 CFR 984.306].

In the event that an FSS family chooses to exercise portability, certain special requirements regarding the FSS program would apply. This chapter describes the obligations of the initial PHA, the receiving PHA, and the FSS family under portability, in addition to any special stipulations regarding portability in the FSS context.

This chapter contains two parts:

Part I: Portability in the FSS Program: This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

Part II: The Effects of Portability on FSS Regulations and Policy: This part describes the specific ways in which portability affects different aspects of the FSS program, including the escrow account, program termination, loss of the FSS account, and termination of Section 8 program assistance.

PART I: PORTABILITY IN THE FSS PROGRAM

7-I.A. OVERVIEW

Portability is a statutory feature of the Section 8 program—it is included in the law. As such, PHAs operating a Section 8 FSS program need to understand the effects that portability will have on Section 8 FSS families and program operation. This part provides a general overview of portability in the FSS program, including the residency requirements for FSS portability and management of the contract of participation when a family moves into or from another PHA's jurisdiction.

7-I.B. DEFINITIONS

For the purposes of portability with regards to the FSS program, the following definitions will be used [24 CFR 982.4, 24 CFR 984.306].

- *Initial PHA* means both:
 1. A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
 2. A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.
- *Receiving PHA* means a PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA either absorbs the family into its program, including issuing a voucher and providing rental assistance to the family, or bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher.
- *Relocating FSS Family* refers to an FSS family that moves from the jurisdiction of a PHA at least 12 months after signing its contract of participation.

7-I.C. RESIDENCY REQUIREMENTS

Families participating in a Section 8 FSS program are required to lease an assisted unit within the jurisdiction of the PHA that selected the family for the FSS program for a minimum period of 12 months after the effective date of the contract of participation. However, the initial PHA may approve a family's request to move outside its jurisdiction under portability during this period if the move is in accordance with the regulations at 24 CFR 982.353 [24 CFR 984.306(a)(1)].

PHA Policy

GHURA will approve a family's request to move outside its jurisdiction under portability during the first 12 months after the effective date of the contract of participation if the move is in accordance with the regulations for such moves at 24 CFR 982.353.

After the first 12 months of the FSS contract of participation, the FSS family may move outside the initial PHA jurisdiction under portability procedures regardless of PHA approval [24 CFR 984.306(a)(2)].

7-I.D. PORTABILITY REQUIREMENTS FOR FSS PARTICIPANTS

Receiving PHA Administers an FSS Program [24 CFR 984.306(b)]

Whether the receiving PHA bills the initial PHA or absorbs the FSS family into its Section 8 program, the receiving PHA must enroll an FSS family in good standing in its FSS program. However, if the receiving PHA is already serving the number of FSS families identified in its FSS Action Plan and determines that it does not have the resources to manage the FSS contract or the receiving PHA, the initial PHA may agree to the FSS family's continued participation in the initial PHA's FSS program. Prior to the PHAs agreeing to the continued participation, the initial PHA must determine that the relocating FSS family has demonstrated that, notwithstanding the move, it will be able to fulfill its responsibilities under the initial or a modified contract at its new place of residence.

PHA Policy

GHURA, as the initial housing authority, will agree to the participant's continued participation in their FSS program so long as the relocating family has demonstrated, with the assistance of the FSS Coordinator, that it will be able to fulfill its responsibilities under the initial or a modified contract at its new place of residence.

Where continued FSS participation is not possible, the initial PHA **must** clearly discuss the options that may be available to the family. Depending on the family's specific circumstances, these options include modification of the FSS contract, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement in accordance with 24 CFR 984.303(k)(1)(iii), or termination of the FSS contract and forfeiture of escrow.

PHA Policy

GHURA will clearly discuss the options that are available to the family where continued FSS participation is not possible. Depending on the family's specific circumstances, these options include modification of the FSS contract, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

Receiving PHA Does Not Administer an FSS Program [24 CFR 984.306(c)]

If the receiving PHA does not administer an FSS program, and the receiving PHA is absorbing the voucher, the FSS family may not continue participation in the FSS program. The initial PHA must clearly discuss the options that may be available to the family. These may include, but are not limited to, modification of the FSS contract, locating a receiving PHA that administers an FSS program, termination of the FSS contract with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

PHA Policy

GHURA will, as stated above, clearly discuss the options that may be available to the family where continued FSS participation is not possible. Depending on the family's contract specific circumstances, these options include modification of the FSS contract, locating a receiving housing authority that has the capacity to enroll the family in its FSS program, termination with FSS escrow disbursement in accordance with 24 CFR 984.303(k)(1)(iii), or termination of the FSS contract and forfeiture of escrow.

If the receiving PHA does not administer an FSS program and the receiving PHA is administering the voucher, the FSS family may continue participation in the FSS program. The initial PHA must clearly discuss the options that may be available to the family. These may include, but are not limited to, modification of the FSS contract, locating a receiving PHA that administers an FSS program, termination of the FSS contract with FSS escrow disbursement, or termination of the FSS contract and forfeiture of escrow.

PHA Policy

The PHA, as the initial housing authority, will agree to the participant's continued participation in their FSS program so long as the relocating family has demonstrated, with the assistance of the FSS Coordinator, that it will be able to fulfill its responsibilities under the initial or a modified contract at its new place of residence.

A chart summarizing portability impact on an FSS family follows.

PORTABILITY FSS IMPACT ON FSS FAMILY

Family FSS Status		PHA FSS Status	Port Scenario	FSS Impact	PHA or HUD Decides
1	FSS family ports	Receiving PHA has FSS Programs	Billed	Family may continue participation in initial PHA's FSS program	Determined by the initial PHA.
				or	
		Initial PHA has FSS program		Family may enroll in receiving PHA's FSS program	Determined by the receiving PHA.
2	FSS family ports	Receiving PHA has FSS program	Absorbed	Family may enroll in receiving PHA's FSS program	Determined by the receiving PHA.
				or	
		Initial PHA has FSS program		Family may continue participation at initial PHA's FSS program.	Determined by the receiving PHA *Agreement from the receiving PHA is needed because they would be responsible for most of the FSS tasks under this scenario.
3	FSS family ports	Receiving PHA does not have FSS program	Billed	Family may continue participation in initial PHA's FSS program	First, determined by the initial PHA. Then, receiving PHA must agree
					*The receiving PHA would be responsible for submitting the FSS information for the family into IMS/PIC
		Initial PHA administers FSS program			Receiving PHA's determination must be based on an undue financial or administrative hardship such as the cost of adding an FSS module to their existing systems.
					If continued participation is agreed to by the PHA's, the initial PHA must provide the receiving PHA with timely and complete FSS addendum information and the receiving PHA is responsible for timely and accurate submission of the FSS information into IMS/PIC.
4	FSS family ports	Receiving PHA does not have an FSS program	Absorbed	Family may not continue participation in initial PHA's FSS program	Determined by HUD
		Initial PHA administers FSS program			The receiving PHA would be responsible for managing escrow and the receiving PHA does not administer an FSS program.

Single Contract of Participation

If the FSS family enrolls in the receiving PHA's FSS program, the receiving PHA will enter a new contract with the FSS family for the term remaining on the contract with the initial PHA. The initial PHA will end its contract with the family.

If the FSS family remains in the FSS program of the initial PHA, pursuant to this section, the contract executed by the initial PHA will remain as the contract in place.

Termination of FSS contract and Forfeiture of Escrow Account [984.306(e)]

If an FSS family relocates to another jurisdiction and is unable to fulfill its obligations under the contract, including any modifications, the PHA, which is a party to the contract, **must terminate the FSS family from the FSS program**. The family's FSS escrow account will be forfeited.

Termination of FSS program participation and forfeiture of FSS escrow must be used only as a last resort after the PHA determines, in consultation with the family, that the family would be unable to fulfill its obligations under the contract after the move, that locating another receiving housing authority with a FSS program is not possible, that the current contract cannot be modified to allow for completion prior to porting, and that the current contract cannot be terminated with FSS escrow disbursement. When termination is the only option, the PHA must clearly notify the family that the move will result in the loss of escrow funds. The PHA must follow its policy for clearly notifying the FSS family of the forfeiture.

7-I.E. NEW FSS ENROLLMENT INTO RECEIVING PHA'S FSS PROGRAM

Administering and Billing of the Voucher

If a non-FSS family ports and the receiving PHA bills the initial PHA, the receiving PHA may, consistent with the receiving PHA's FSS enrollment policies, enroll a family that was not an FSS participant at the initial PHA into its FSS program, if and only if the initial PHA manages an FSS program and agrees to such enrollment. If the receiving PHA bills the initial PHA, but the initial PHA does not manage an FSS program, the family may not enroll in the receiving PHA's FSS program.

PHA Policy

GHURA, as the initial PHA, will enroll a non-FSS family who is porting when the initial PHA manages an FSS program, the initial PHA is billed for the housing assistance payments, and the initial PHA agrees to the family enrolling in the receiving PHA's FSS program.

Absorption of the Voucher

If the receiving PHA absorbs the family into its Section 8 program, the receiving PHA may, consistent with the receiving PHA's FSS enrollment policies, enroll a family that was not an FSS participant at the initial PHA into its FSS program.

PART II: REPORTING

7-II.A. OVERVIEW

Each PHA that carries out an FSS program shall submit to HUD, in the form prescribed by HUD, a report regarding its FSS program.

7-II.B. CONTENTS OF THE FSS REPORT [24 CFR 984.401]

The report submitted to HUD must include a description of the activities carried out in the FSS program; a description of the effectiveness of the program in assisting families to achieve economic independence and self-sufficiency, including the number of families enrolled and graduated and the number of established escrow accounts and positive escrow balances; a description of the effectiveness of the program in coordinating resources of communities to assist families to achieve economic independence and self-sufficiency; and any recommendations by the PHA or the appropriate local Program Coordinating Committee for legislative or administrative action that would improve the FSS program and ensure the effectiveness of the program.

7-II.C. FAMILY SELF-SUFFICIENCY GRANT PROGRAM REVIEW PHA SELF-ASSESSMENT

HUD provides a detailed checklist for PHAs to conduct their own self-assessment of their FSS program. The form is administered by the local field office and allows each PHA to gather concrete and comprehensive data covering aspects of the program from FSS Action Plans and Composite Scores through FSS program size, participants, and graduations to reductions in FSS grants and current Memoranda of Agreement with community partners. The detailed example of the FSS Self-Assessment is available at HUD's FSS Resource page, which can be located by searching "HUD FSS" on any browser.