



Chester Housing Authority Admissions and Continued Occupancy Policy

1 — Last update: 15 April 2024

US Housing Consultants

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1. Admissions and Continued Occupancy Policy (ACOP)

This Admissions and Continued Occupancy Policy defines the Housing Authority's policies for the operation of the Public Housing Program, incorporating Federal, State, and local laws. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail. This admissions and continued occupancy policy (herein, ACOP) will list through the following sections and sub-sections the policies and procedures of the PHA in relation to the existing Public Housing developments, which consist of both housing for the elderly and for families.

This Admissions and Continued Occupancy Policy relate to how families are admitted to public housing units, how rents are calculated, rules to be followed during occupancy, reasons for evictions and terminations, and protections, rights, and responsibilities of families living in Public Housing. The rules and regulations of HUD's public housing program are outlined in 24 CFR Part 960; throughout this policy, provisions of the ACOP will be referenced by their citation in the Federal Register as well as other federal publications. In certain instances, the ACOP will cite laws and rules from the state of Louisiana, as applicable.

This Admissions and Continued Occupancy Policy is designed to execute those goals with policies that ensure that public housing units are rented to families who are most likely to have successful tenancies, address any fraud or misrepresentation, and enforce HUD's standards and regulations fairly and equally.

Revision: 2 — Last modified: 15 April 2024

1.1. Authority of the ACOP

Eligibility for admission to and occupancy of Low-Income Public Housing is governed by requirements of the Department of Housing and Urban Development (HUD). This Admissions and Continued Occupancy Policy (the "Plan" or ACOP) incorporates these requirements and is binding upon applicants, residents, and the Housing Authority, the latter two through the inclusion of the Plan into the Residential Lease by reference. Notwithstanding the above, future changes in applicable Federal or State Law shall supersede this policy at any point in which they are in conflict.

This Plan complies with the final rule implementing sections 102, 103, and 104 of the Housing Opportunity through Modernization Act of 2016 (HOTMA) (P.L. 114-201).

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1.2. Responsibilities of the Housing Authority (PHA)

Primary Responsibilities of the Housing Authority:

1. Informing eligible families of the availability of public housing assistance.
2. Determining and posting annually the utility allowances.
3. Receiving applications from families and determining their eligibility for assistance.
4. Inspecting public housing units to determine that they meet or exceed Housing Quality Standards.
5. Approving Leases.
6. Collecting rent on a monthly basis from tenants.
7. Annual re-examinations of income, family composition and re-determination of rent.
8. Authorizing and processing evictions.
9. Ongoing maintenance and modernization of the public housing inventory.

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1.3. Policy Objectives

The Objectives of this policy are to:

1. Promote the overall goal of safe, decent, and sanitary housing.
2. Facilitate the efficient management of the Housing Authority and compliance with Federal and State regulations by establishing the policy basis for management procedures, record keeping, and auditing.
3. Comply with Title VI of the Civil Rights Act of 1964 and all other applicable Federal and State laws and regulations to ensure that admission to and occupancy of; public housing neighborhoods is conducted without regard to race, color, creed, age, sex, handicap, familial status or national origin.
4. Prescribe standards and criteria for resident selection and annual re-examination of income and family composition.
5. Ensuring a social and economic mix of residents within each public housing community in order to foster social stability and upward mobility.
6. Ensuring the fiscal stability of the housing authority.
7. Lawfully denying admission or continued occupancy to applicants or tenants whose presence in a public housing community are likely to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the community or create a danger to housing authority employees.
8. Ensuring that elderly families can live in public housing as long as they are able to live independently and/or have someone to help them live independently as in the case of a live-in aide.
9. Facilitate the efficient management of the housing authority and compliance with Federal Regulations by establishing policies for the efficient and effective management of the housing authority inventory and staff.

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1.4. Applicability of ACOP

The provisions of the Plan are applicable to all the Housing Authority's administered developments.

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1.4.1. Source of the Standards

1. The pertinent laws of the Federal, State, and Municipal Governments.
2. The contractual agreements pertaining to the various developments and/or programs between the Housing Authority, State and/or Federal agencies, and the provisions of Title 24 as set forth in the Code of Federal Regulations.
3. Policies established by the Housing Authority's Board of Commissioners by formal resolution.
4. Directives issued by the Housing Authority's Executive Director or designee.

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1.4.2. Review of Plan | Annual Update

As needed, the Executive Director under the Board's direction shall review the operations of this Plan and make changes as appropriate. The policy will be updated at least once annually, the update will include any changes to rent and income limits for residents, updates to flat and/or ceiling rents, and inclusion of any new regulations introduced by HUD Public and Indian Housing and/or initiatives passed by the Board of Commissioners. The Board will review and approve the ACOP when updated, and the updated policy will be posted for public review and comment.

Last modified: 15 April 2024

1.5. Methods of Administration

The administration of the Plan is to avoid any discrimination in any manner or provisions of any service against any applicant because of race, creed, religion, color, national origin, age, sex, handicap, familial status, source of income and any additional state/local protected category; and to promote integrated developments and/or programs.

The Housing Authority will post, in a conspicuous place in the Administration office where applications are received, a notice that the facilities and services of the Housing Authority are provided on a non-discriminatory basis.

A copy of this manual will be available to agencies, institutions, organizations and political subdivisions, which may refer applicants.

The Housing Authority will instruct its staff concerning its and their obligations under the Civil Rights and Non-Discrimination laws and regulations of the Federal and State governments by conducting training, distributing copies of pertinent documents, and ongoing supervisory review.

All applicants and residents will be treated with courtesy and consideration at all times in all verbal and written communications.

No applicant, resident, or staff will be intimidated, nor will any retaliatory action be taken, nor threats thereof made, by PHA or its staff because of applicant, resident or staff participation in Civil Rights activities or for having asserted any of his/her rights under the Civil Rights Acts, HUD's regulations and requirements pursuant thereto.

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1.6. Electronic Records

Electronic records and signatures carry the same weight and legal effect as traditional paper documents and handwritten signatures. PHA will not deny the legal effect or enforceability of a document solely because it is in electronic form. (Electronic Signatures in Global and National Commerce Act (ESIGN, 2000) and the Uniform Electronic Transactions Act (UETA, 1999). PHA will accept scanned documents to verify program information. If at any time, PHA has reason to believe that documents have been altered or contain fraudulent information, PHA may request additional documentation to verify program information.

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1.7. Definitions

Adjusted Family Income

Annual income less allowable HUD deductions and allowances.

Adult

An adult is: 18 years of age or older, 18 years of age and married (not common law), or a person that has been relieved of the disability of non-age by juvenile court.

NOTE: Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.

Affordable Housing

In general, housing for which the occupant(s) is/are paying no more than 30 percent of their income for gross housing costs, including utilities. Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb.

Alternative Non-Public Housing Rent

A remaining NPHOI family must be charged the alternative non-public housing rent. The alternative rent will be a monthly rent equal to the higher of the applicable fair market rent or the amount of the monthly subsidy provided for the unit (HUD will publish annually).

Annual Income

Annual Income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of initial determination or reexamination of income, exclusive of income that is temporary, non-recurring, sporadic, and exclusive of certain other types

of income specified in this policy.

Applicant/Applicant Family

A person or a family that has applied for admission to housing.

Assets

Value of cash held (including checking and savings accounts), retirement accounts, stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles, and household effects or the value of business assets.

Child

A member of the family other than the family head or spouse who is under 18 years of age.

Child Care Expenses

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further their education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The XHA will not normally determine childcare expenses necessary when the household contains an additional unemployed adult who is physically capable of caring for children.

Code of Federal Regulations (CFR)

The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Dating Violence

Means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of a relationship can be determined based on the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

Dependent

A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Person with Disabilities or is a Full-Time Student. An unborn child shall not be considered a dependent.

Disability

A physical or mental impairment that substantially limits one or more of the major life activities of such for an individual.

Disabled Assistance Expenses

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled family member and that are necessary to enable a

family member (including the Disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled Person/Family

A person or family whose head or spouse or sole member is a person with disabilities. It may include two or more persons with disabilities living together, and one or more persons with disabilities living with (1) one or more persons who are determined to be essential to the care or well-being of the person or persons with disabilities.

Disabled Household

A household where a single person, the head of household, or the spouse of the head of household is disabled is classified as a disabled household. HUD also classifies a household as disabled if two or more disabled individuals live together or one disabled individual lives with a live-in aide.

Disabled Person (See Person with disabilities)

Displaced Person/Family

A person, or family, displaced by governmental action, or a person/family whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under Federal Disaster Relief laws.

Domicile

The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug-Trafficking

The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Earned Income

The full amount before payroll deductions, of wages and salaries overtime.

Elderly Household

A family whose head or spouse (or sole member) is an elderly person (a person who is at least 62 years of age). It may include two (2) or more elderly persons living together, with one (1) or more persons living in the unit who are determined to be essential to the care and well-being of the elderly person or persons.

Elderly Person

A person who is at least 62 years of age.

Emancipated Minor

Any juvenile who is 16 years of age or older and who has resided in the same county in the State for six (6) months next preceding the filing of the petition may petition the court in that county for a judicial decree of emancipation. A married juvenile is also emancipated by the same Article (1997, c.815, s.1.).

Enterprise Income Verification (EIV)

A HUD computerized system that utilizes independent sources, such as those maintained by the Social Security Administration, State Wage Information Collection Agencies, and private vendors, to confirm income figures provided at application and re-certification.

Eviction

The dispossession of the tenant from the leased unit as a result of the termination of the lease prior to the end of the term, for serious or repeated violations of material terms of the lease or to fulfill the tenant's obligations set forth in HUD regulations, Federal, State, or Local Law or for other good cause.

Extremely Low-Income Family

A family whose annual income does not exceed 30% of median income for the area, as determined by HUD, with adjustments for small and large families. A very low-income family.

Fair Market Rent

The fair market rent published by HUD, including the cost of utilities (except telephone), for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities.

Family

A family is simply one or more individuals who live together. Members of the family do not need to be related by blood, marriage or in any other legal capacity. Family members who are away from the household for a certain period of time may be considered part of the family. Live-in aides are also considered family members.

Family Member with a fixed source of Income

A family member receives periodic payments at reasonably predictable levels from the following: Social Security; Supplemental Security Income; Supplemental Disability Insurance; Federal; state, local or private pension plans; annuities or other retirement benefit programs, insurance policies, disability, or death.

Frail Elderly

An elderly person who is unable to perform at least three "activities of daily living" comprising of eating, bathing, grooming, dressing, or home management activities.

Full-Time Student

A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution offering a college degree, vocational education degree or certificate program.

Gender Identity

Actual or perceived gender-related characteristics.

Grace Period

The period of 24 consecutive months after the PHA's initial determination of a family's over-income status. The family will continue to be public housing program participants during the grace period. If the PHA determines (in an annual or interim reexamination) during the 24-month grace period that an

over-income family's income has fallen below the over-income limit, the family is no longer over-income. The family remains as public housing program participants and returns to their regular reexamination schedule. If the family becomes over-income again, the PHA begins a new 24-month grace period.

Guest

For the purposes of determining whether an individual's criminal activity is the responsibility of the tenant, a guest is a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of the lease apply to a guest as so defined.

Handicapped Person (See Person with disabilities)

Harassment

Words, conduct, or action, usually repeated or persistent that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no purpose.

Head of Household

Head of Household means the adult member of the family who is held primarily responsible and accountable for the family, particularly in regard to lease obligations.

Hearing Officer

An impartial person selected by the Housing Authority, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training.

Household

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

Homeless Family

Any individual or family who lacks a fixed, regular, and adequate nighttime residence; as well an individual who has a primary nighttime residence that is a supervised publicly or privately-operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Housing Authority

Housing Authority (Public Housing Authority (PHA), PHA and HA) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

HUD

The U.S. Department of Housing and Urban Development.

Human trafficking

Also known as trafficking in persons, is a crime that involves compelling or coercing a person to provide labor or services, or to engage in commercial sex acts. The coercion can be subtle or overt, physical or psychological. Exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used.

Imputed Asset

Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Income

Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Judgment

A legal decision. When requiring debt repayment, a judgment may include a property lien that secures the creditor's claim by providing a collateral source.

Junk Vehicle

A junk vehicle is any all-terrain vehicle (ATV), motor vehicle, motorcycle, recreational vehicle (RV), snowmobile, trailer, truck or truck body, and similar pieces of equipment which are junked, dismantled, disassembled, inoperable, abandoned, or wrecked, and are incapable of being legally operated on a public highway due to missing or inoperative parts, flat or removed tires, or other defects including lack of a valid registration, and which are stored outside for a period of at least 30 days.

Lease

A written agreement for the use or possession of premises.

Lessee

Any person who leases premises from another and any person residing on the premises with the lessee's permission.

Limited English Proficiency or "LEP"

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Those individuals are referred to as limited English proficient, or "LEP."

Live-In Aide

A person who resides with an Elderly, Disabled person or persons, and who:

*Is determined by the housing authority to be essential to the care and well-being of the person(s).

*Is not obligated for support of the person(s).

*Would not be living in the unit except to provide supportive services.

Low Income Family

A family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such

variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.

Marital Status

The condition of being married or unmarried.

Medical Expenses

Medical expenses, including medical insurance premiums that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of 10% of Annual Income, are deductible from annual income for elderly or disabled families and disabled assistance expense as outlined.

Medical Marijuana

Any household member who engages in the use of medical marijuana may not reside with the household or on the premises. 24CFR 5.860 (b) Because state medical marijuana laws, insofar as they may be interpreted to mean that the use of medical marijuana is not the illegal use of a controlled substance, directly conflict with the objective of the Public Housing Reform Act's requirements regarding admissions or use by existing tenants. Medical marijuana is prohibited on Housing Authority property.

Military Service

Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard and since July 29, 1945, the commissioned corps of the United States Public Health Service.

Minimum rent

An amount established by the PHA.

Minor

A "minor" is a person less than eighteen years of age. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.)

Mixed Family

A "mixed family" is a family that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members.

Monthly Adjusted Income

One-twelfth of Adjusted Income.

Monthly Income

One-twelfth of Annual Income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.

Near Elderly Family

A family whose head (including co-head), spouse or sole member is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together;

or one or more persons who are at least 50 years of age but below 62.

Near-Elderly Person

A person who is at least fifty (50) years of age but below the age of sixty-two (62).

Neighborhood or Community

Any lower income Public Housing site as established in a development program, except that when sites are adjacent or within a block of each other, such sites collectively shall be considered one location.

Net Family Assets

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investments, excluding, interests in Indian trust land and excluding equity accounts in HUD ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.) In determining Net Family Assets, the housing authority shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be of less than fair market value if the applicant or tenant received important consideration not measurable in dollar terms.

Non-Citizen

A person who is neither a citizen nor national of the United States.

Non-Public Housing Over-Income or NPHOI Family

A family whose income exceeds the over-income limit for 24 consecutive months and remains in a public housing unit paying the alternative non-public housing rent.

Over-income (OI) limit

This limit is set by multiplying the very low-income level for the applicable area by a factor of 2.4. a limit equal to approximately 120% of the area median income, or AMI.

Over-income procedures are triggered by annual or interim reexaminations. During this reexamination, if the family is determined to be over-income, the over-income notification process begins.

Over-income (OI) family

A family whose annual income exceeds the over-income limit. This term includes families during the grace period or before termination or execution of a non-public housing over-income lease. These families are still public housing program participants and will continue to pay their current rent as well as comply with Community Service and Self Sufficiency Requirements.

Person with Disabilities

Any person who has a physical or mental impairment that substantially limits one or more major life

activities; has a record of such impairment; or is regarded as having such an impairment.”

In general, a physical or mental impairment includes hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex, and mental retardation that substantially limits one or more major life activities. Major life activities include walking, talking, hearing, seeing, breathing, learning, performing manual tasks, and caring for oneself.

The definition of a person with disabilities does not include:

*Current illegal drug users.

*People whose alcohol use interferes with the rights of others.

*Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the public housing program.

Preference

A housing authority preference for selection and admission of families.

Premises

Land, tenements, condominium or cooperative units, air rights and all other types of real property leased under the terms of a rental agreement, including any facilities and appurtenances, to such premises, and any grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant. “Premises” include structures, fixed or mobile, temporary or permanent, vessels, mobile trailer homes and vehicles which are used or intended for use primarily as a dwelling or as a place for commercial or industrial operations or storage.

Public Housing Agency (PHA)

Any State, County, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

Ranking Applicant Family

Is that eligible family within any particular rent range with the highest priority as defined in this policy, or priority being equal, the earliest date and time of application.

Ranking Rentable Unit

The “ranking rentable unit” is that rentable dwelling unit which is located in the neighborhood having the greatest number of the same bedroom size and type of rentable vacant units.

A “rentable unit” is a vacant unit which has been prepared for occupancy which is not encumbered by an offer which has been made but has not yet been accepted or rejected.

Reasonable Accommodation

A change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.³

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an “undue financial and administrative burden” for the PHA or result in a “fundamental alteration” in

the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Rent

For purposes of determining whether an applicant is entitled to a priority for public housing admission based on current rent as a percentage of monthly income, rent is defined as the actual amount due, calculated on a monthly basis, under a lease or rental agreement between a family and the family's current landlord, plus any monthly payments that a family makes toward tenant purchased utilities (except telephone). In calculating a family's payments toward utilities, the XHA will use its reasonable estimate of tenant-purchased utilities and other housing services that are normally included in rent; or if the family chooses, the family's average monthly utility costs, based on the family's utility bills furnished by the family, for the most recent 12-month period, or, where bills are not obtainable for the entire period, for an appropriate recent period.

For the purposes of calculating rent under this paragraph, amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable rental amount to the extent that they are not included in the family's income.

Sexual Orientation

Homosexuality, heterosexuality, or bisexuality.

Special Admission:

Admission of an applicant that is not on the PHA waiting list, or without considering the applicant's waiting list position.

Spouse

Spouse means the husband or wife of the head of household.

Stalking

Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Standard Permanent Replacement Housing

For purposes of determining if a family is entitled to a priority for admission based on involuntary displacement, Standard Permanent Replacement Housing, is housing that is decent, safe and sanitary, is adequate for the family size, and the family is occupying pursuant to a lease or occupancy agreement, but does not include transient facilities such as motels, hotels or temporary shelters for victims of domestic violence or homeless families, and in the case of domestic violence referred to in the Section above, does not include the housing unit in which the applicant and the applicant's spouse or other member of the household who engages in such violence live.

Streamlined Income Determination

The discretion to adopt a streamlined income determination for any family member with a fixed source of income. Note that the family member may also have non-fixed sources of income, which remain subject to third-party verification. Upon request of the family, the XHA must perform third-party verification of all income sources. Note that this provision pertains only to the verification of sources of income; XHA must

continue to conduct third-party verification of deductions. Streamlined sources included SSA and SSI.

Streamlining Rule

Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs, also known as the “streamlining rule.”

Tenant

The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

Tenant Rent

The amount payable monthly by the family as rent to the housing authority.

Total Tenant Payment (TTP)

Total Tenant Payment for families whose initial lease are effective on or after August 1, 1982, shall be the higher of the following, rounded to the nearest dollar:

30 percent of Monthly Adjusted Income; or
10 percent of Monthly Income.

If the family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the family’s actual housing costs, is specifically designated by such agency to meet the family’s housing costs, the monthly portion of such payments which is so designated. If the family’s Welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this subsection shall be the amount resulting from one application of the percentage.

Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges, such as maintenance charges, late charges, etc.

Utility (Utilities)

The provision of general electricity, gas, heating fuel, other heating, cooking fuel, water, sewage services and trash collection. Telephone service is not included as a utility.

Utility Allowance

The cost of utilities (except telephone) for an assisted unit which are not provided by the landlord but are the responsibility of the family occupying the unit is called a utility allowance. This utility allowance is based upon building type and is determined by number of bedrooms and is equal to the estimate made by the PHA or HUD, of the monthly cost of a reasonable consumption of such utilities for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

NPHOI families cannot receive a utility allowance from the PHA.

Utility Reimbursement

The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

NPHOI families cannot receive a utility reimbursement from the PHA.

Very Low-income Family

A family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family income.

Veteran

Any person who has served in the active military or naval services of the United States and shall have been discharged or released there from under conditions other than dishonorable.

Violence Against Women Act (VAWA)

A Public Housing Agency (PHA), owner or landlord may not deny admission to an applicant (male or female) who has been a victim of domestic violence, dating violence, human trafficking or stalking if the applicant otherwise qualifies for assistance or admission.

Additional Definitions as Used in The Violence Against Women Act

- Adult: Any person seventeen years of age or older or otherwise emancipated.
- Child: Any person under seventeen years of age unless otherwise emancipated.
- Communication: Includes, but is not limited to, telephoning, speaking, gesturing, writing, e-mailing, text messaging, faxing, sending gifts, etc.
- Emancipate/Emancipation: To release a child from the control, support, and responsibility of a parent or guardian; may include, but is not limited to, a child marrying or entering the military.
- Family or household member: Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether or not they have been married or have resided together at any time.
- Intimate Partner: With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.
- Unemancipated: A child under the control, support, and responsibility of a parent or guardian.

Violent Criminal Activity

Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Waiting List

A list of families organized according to HUD regulations and PHA policy who are waiting for subsidy to become available.

Welfare Assistance

Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs

that provide health care, child care or other services for working families.

Last modified: 15 April 2024

2. Fair Housing

It is the policy of The Public Housing Authority (PHA) to fully comply with all Federal, State and local nondiscrimination laws; the Americans with Disabilities Act; and the US Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the grounds of race, color, sex, religion, marital status, creed, sexual orientation, gender identity, age, national or ethnic origin, familial status, disability or any other state/local protected category be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under PHA's programs.

To further its commitment to full compliance with applicable Civil Rights laws, PHA will provide Federal/ State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the PHA office.

PHA will assist any family that believes they have suffered illegal discrimination by providing copies of the appropriate housing discrimination forms. PHA will also assist them in completing the forms if requested and will provide them with the address of the nearest HUD office of Fair Housing and Equal Opportunity.

PHA will ensure that all staff receives Fair Housing training and that Executive Director monitors ongoing compliance with the administration of Fair Housing laws, adhering not only to the letter of Fair Housing laws but the spirit of the laws and protections.

Last modified: 15 April 2024

2.1. Title VI of the Civil Rights Act Compliance

With PHA's continuing efforts to provide voluntary compliance with Title VI of the Civil Rights Act of 1964, PHA is adhering to the following general provisions regarding its Public Housing Programs.

With respect to any housing accommodations, facilities, services, financial aid or other benefits involved in its federally funded public housing programs, PHA, its officers, administrators, agents, employees, successors, all persons exercising governance over PHA, and all persons in active concert or participation with any of them, agree to refrain from any acts which on the grounds of race, color, creed, age, sex, handicap, familial status, national origin or any additional state/local protected categories, and shall not:

1. Deny a person's rightful benefits.
2. Provide such benefits to a person which may be different from those provided to others.
3. Subject a person to segregation or separate treatment in any matter related to such benefits.
4. Provide a preference for such benefits to any person, except as provided in this Agreement.
5. Restrict a person in any way in the access to such benefits or enjoyment of any advantage or privilege enjoyed by others in connection with such benefits.

6. Treat a person differently from others in determining whether he/she satisfies any occupancy, admission, enrollment, eligibility, membership or other requirement or condition that the person must meet.
7. Deny a person an opportunity to participate in the program or activity through the use of biased preference criteria, or otherwise afford the person a different opportunity to participate from that afforded others.

Last modified: 15 April 2024

2.2. Non-Discrimination in Admissions and Occupancy

The Housing Authority hereby assures and certifies that it will comply with:

1. Title VI of the Civil Rights Act of 1964 (P.C. 88-352) and regulations pursuant thereto (Title 24 CFR Part 1);
2. Title VIII of the Civil Rights Act of 1968 (P.L. 90-284) as amended, and administer its programs and activities relating to housing in a manner to affirmatively further fair housing;
3. Executive Order 11063, Section 102, on Equal Opportunity in Housing and non-discrimination in the sale and rental of housing provided with Federal Financial Assistance;
4. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based upon handicap in programs receiving Federal Financial Assistance;
5. The Age Discrimination Act of 1975, which prohibits discrimination based upon age in programs receiving Federal Assistance;
6. The Violence Against Women Act (VAWA);
7. Title II of the Americans with Disabilities Act (ADA), to the extent that it applies;
8. Gender non-discrimination;
9. HUD Update on Prohibition on Sexual harassment in Housing, which formalized standards for evaluating claims of quid pro quo and hostile environment harassment;
10. Any future laws or changes in the law which shall apply.

Last modified: 15 April 2024

2.2.1. Equal Access Rule Discrimination Complaints

Applicants or tenant families who believe that they have been subject to unlawful discrimination based on marital status, gender identity, or sexual orientation under the Equal Access Rule may notify the PHA either orally or in writing.

Within ten (10) business days of receiving the complaint, the PHA will provide a written notice to those alleged to have violated the rule. The PHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete

and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO). The PHA will attempt to remedy discrimination complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

Within ten (10) business days following the conclusion of the PHA's investigation, the PHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

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2.2.2. VAWA Discrimination Complaints

Applicants or tenant families who wish to file a VAWA complaint against the PHA may notify the PHA either orally or in writing.

The PHA will advise the family of their right to file a VAWA complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO). The PHA will inform the family that not later than one year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO's online complaint form via mail, email, or telephone.

The PHA will attempt to remedy complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions.

Last modified: 15 April 2024

2.3. Reasonable Accommodations Policy

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling unit. This includes any change in the way things are customarily done that enables a person with disabilities to enjoy housing opportunities or to meet program requirements. Reasonable accommodations eliminate barriers that prevent persons with disabilities from fully participating in housing opportunities, including both private housing and in federally assisted programs or activities.

1. PHA will not require persons with disabilities to pay extra fees or deposits or place any other special conditions or requirements as a condition of receiving a reasonable accommodation.
2. Reasonable accommodations also includes public and common use spaces, or changes to any processes involved in fulfilling their program obligations. Please note that the ADA often refers to these types of accommodations as "modifications."
3. Not all persons with disabilities will have a need to request a reasonable accommodation. However, all persons with disabilities have a right to request or be provided a reasonable accommodation at any time.

4. Under Section 504 and the ADA, public housing agencies, other federally assisted housing providers, and state or local government entities are required to provide and pay for structural modifications as reasonable accommodations/modifications.

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2.3.1. Processing Discrimination Complaints and Reasonable Accommodations

If an applicant or tenant family who believe that they have been discriminated against may notify the PHA either orally or in writing. Within ten (10) business days of receiving the complaint, the PHA will investigate and attempt to remedy discrimination complaints against the PHA.

PHA's policies and practices attempt to provide assurances that persons with disabilities will be provided accommodation by changing policies, procedures or performing physical modifications, upon request. Executive Director will determine if the accommodation is reasonable in cost and scope and applicable to the participant's needs.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

1. A physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual;
2. A record of such impairment;
3. Being regarded as having such an impairment.

Once the person's status as a qualified person with a disability is confirmed, PHA will require that a professional third party competent to make the assessment provide written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

Individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition, unless there are underlying impairments which would persist even if drug or alcohol abuse was discontinued.

1. If PHA finds that the requested accommodation creates an undue administrative or financial burden, PHA will deny the request and/or present an alternate accommodation that will still attempt to meet the need of the person.
2. An undue administrative burden is one that requires a fundamental alteration of the essential functions of PHA (i.e., waiving a participant family obligation).
3. If the reasonable accommodation request involves a modification to an owner's property, PHA will work with the owner to determine if the modification is feasible and if the modification would create an undue financial burden.
4. PHA will provide a written decision to the person requesting the accommodation within a reasonable

time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the agency's decision.

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2.3.2. Section 504 Grievance Procedure

If the requesting individual with a disability is not satisfied with PHA's response to the individual's request(s) for an auxiliary aid or service, the individual may file a formal grievance, including appropriate supporting documentation, if any, with the Hearing Officer. The grievance may be communicated orally or in writing.

However, all oral grievances must be reduced to writing and maintained in PHA's files. In addition, PHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time stamped.

1. Within seventy-two (72) hours of receipt, the Hearing Officer will respond to the individual's grievance.
2. The Hearing Officer will provide his/her formal decision, in writing, within ten (10) business days after receipt of the grievance.
3. If the individual is dissatisfied with Hearing Officer's determination, the individual may pursue remedies under PHA's HUD-approved Grievance Procedures.

Last modified: 15 April 2024

2.4. Translation of Documents and Plan for Language Assistance (LEP)

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency", published on August 16, 2000, at 65 CFR 50121, requires every federal agency and its funding recipients including PHA to provide Limited English Proficiency (LEP) persons with meaningful access to the benefits, services, information, and other important portions of its programs and activities for LEP individuals and therefore comply with Title VI regulations.

Individuals whose primary language is not English can experience barriers to accessing important benefits or services, understanding and exercising important rights, and complying with applicable responsibilities. PHA is committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants, including LEP individuals and families. PHA staff shall ensure responsible steps are taken to provide high quality customer service and meaningful access to its programs and services to all eligible LEP individuals by implementing the following activities:

1. When adult family members are LEP persons, staff will request the adult member to show the Language Identification Flashcard, created by the Census Bureau, if necessary, in order for the family to identify what language(s) they speak. PHA will identify staff or agencies fluent in any language required under the LEP guidelines, as well as American Sign Language to assist LEP applicants or tenants. For other languages, an interpreter will be contacted to assist staff in serving the family.

2. The primary language of all applicants and tenants will be identified in computer and tenant files to ensure appropriate resources are identified to provide assistance to LEP families, where applicable, with their appointments and interviews.
3. When the number of families speaking a non-English language exceeds five percent (5%) or 1,000 persons, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, PHA will translate vital documents into this language. Vital is defined as those documents addressing safety, participant rights, participant obligations, and communication regarding the loss of housing (i.e., eviction or program termination).
4. PHA will post signs in public places in languages known to be spoken by LEP applicants and participants to inform them help is available in their own language.
5. PHA will provide training to new and current staff at employee orientation and annually regarding their role in assisting LEP families and to disseminate current information about resources available

Last modified: 15 April 2024

2.5. Right to Privacy

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Any request for applicant or tenant information will not be released unless there is a signed release of information request from the applicant or tenant.

Last modified: 15 April 2024

2.6. Required Postings

PHA will make available, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

1. Statement of Policies and Procedures governing Admission and Continued Occupancy
2. Notice of the status of the waiting list (opened or closed)
3. Directory of Housing Communities including names, address or project offices, number of units by bedroom size, number of units specifically designed for the elderly,handicapped, and office hours of all HA facilities
4. Income Limits for Admission
5. Excess Utility Charges (if applicable)
6. Utility Allowance Schedule
7. Current Schedule of Routine Maintenance Charges
8. Dwelling Lease
9. Grievance Procedure
10. Fair Housing Poster
11. Equal Opportunity in Employment Poster
12. Security Deposit charges

13. Any current Housing Authority Notices

Last modified: 15 April 2024

3. Eligibility for Admissions

There are six eligibility requirements for admission to Public Housing. The applicant must:

1. Qualify as a family;
2. Have an income within the income limits;
3. Meet citizenship/eligible immigrant criteria;
4. Provide documentation of Social Security numbers, birth certificates, and photo ID's;
5. Sign HUD consent form 9886 and other PHA-required authorization documents;
6. Has not been involved in drug-related or criminal behavior or has not displayed a pattern of other criminal behavior in the past 5 years.

In selecting families for admission to its Public Housing program, PHA is responsible for screening family behavior and suitability for assistance PHA may consider all relevant information. The tenant selection criteria and information are reasonably related to the individual attributes and behavior of an applicant and not related to those which may be imputed to a particular group or category of persons of which an applicant may be a member. This policy takes into account the importance of screening for program integrity, and the demand for assisted housing by families who will adhere to program responsibilities.

In addition to the eligibility criteria, families must also meet PHA's suitability criteria in order to be admitted to Public Housing. In the sections to follow, the eligibility criteria and grounds for denial are explained in detail. In summary, in addition to HUD's minimum requirements, PHA screens applicants to determine:

1. Does the household's credit and rental records show any negative history which might show that the family may not make rental or utility payments?
2. Does the family show the ability to maintain their homes to PHA's standards, as verified by rental history?
3. Does the family have a record of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other tenants?
4. Does the family have a history of criminal activity involving crimes of physical violence to persons or property and any other criminal acts which would adversely affect the health, safety or welfare of other tenants?
5. Does the family have a history of abusing alcohol or drugs which would adversely affect the health, safety or welfare of other tenants?
6. Does the family have a history of fraud or intentional misrepresentation in connection with any Federal housing assistance program?

Revision: 1 — Last modified: 15 April 2024

3.1. Taking Applications

1. Families wishing to apply for the Public Housing Program will be required to complete an application for housing assistance. Applications will be accepted during posted times at the PHA Offices located

at 2678 Dawson Drive, Building 100, Chester, South Carolina 29706. Applications will be accepted between the hours of 9:00 AM and 4:00 PM, Monday thru Friday.

2. Upon request, applications will be mailed to interested families who do not reside in proximity of the PHA, or who are unable, due to a disability or other good cause, to visit the PHA office.
3. Applications are taken to compile a waiting list. Due to the demand for housing in the PHA jurisdiction, PHA may take applications on an open enrollment basis, depending on the length of the waiting list.
4. Only completed applications will be accepted for all applicants and PHA will verify the information.
5. The completed application will be dated and time-stamped upon its return to the PHA.
6. Persons with disabilities who require a reasonable accommodation in completing an application may call PHA to make special arrangements.
7. A Telecommunication Device for the Deaf (TDD) is available for the hearing impaired. The TDD telephone number is 711.

Revision: 2 — Last modified: 15 April 2024

3.2. Application Process

The application process will involve two phases. The first phase requires the household to provide limited basic information including name, address, phone number, household composition, racial or ethnic designation, income and information establishing any preferences to which they may be entitled. This first phase results in the household's placement on the waiting list.

Upon receipt of the family's application, PHA will make a preliminary determination of eligibility. PHA will notify the family in writing of the date and time of placement on the waiting list, and the approximate wait before housing may be offered. If PHA determines the family to be ineligible, the notice will state the reasons therefore and will offer the family the opportunity of an informal review of the determination.

The applicant must report change in their applicant status, in writing, including changes in address, family composition, income, or preference factors. PHA will annotate the applicant's file and will update their information on the waiting list.

The second phase is the final determination of eligibility, and is referred to as the full application. The full application takes place when the family nears the top of the waiting list. PHA will ensure that verification of all preferences, eligibility, suitability and selection factors are current in order to determine the family's final eligibility for admission into the Public Housing Program.

Last modified: 15 April 2024

3.3. Family Status Eligibility Criteria

Family Status at the time of admission

A family includes, but is not limited to, regardless of actual or perceived sexual orientation, gender identity, or marital status, the following:

1. A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person;
2. A group of persons residing together, and such group includes, but is not limited to:
3. A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family).
4. An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age. It may include two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.
5. A near-elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 50 years of age but below the age of 62; or two or more persons, each of whom are between the ages of 50 and 62, living together; or one or more persons who are between the ages of 50 and 62 living with one or more live-in aides.
6. A disabled family, which means a family whose head, co-head, spouse, or sole member, is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides:

A “person with disabilities” means a person who:

- a. Has a disability as defined in 42 U.S.C. § 423(d)(1);
 - b. Has a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently and is of such a nature the ability to live independently could be improved by more suitable housing conditions; or
 - c. Has a developmental disability as defined in 42 U.S.C. § 15002(8) (formerly codified in 42 U.S.C. § 6001).
- Important considerations:
 1. The meaning of “a person with disabilities” does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the virus that causes AIDS.
 2. The meaning of “a person with disabilities” does not include a person whose disability is based solely on a dependency to any drug or alcohol (for eligibility purposes).
 3. A person who qualifies as a “person with disabilities” also qualifies as an individual with disabilities for purposes of protections under Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the Fair Housing Act.

Revision: 3 — Last modified: 15 April 2024

3.3.1. Family Breakup and Remaining Member of Tenant Family

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family, the PHA will abide by the court's determination. In the absence of a judicial decision or an agreement among the original family members, the PHA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, the PHA will take into consideration the following factors:

1. the interest of any minor children, including custody arrangements;
2. the interest of any ill, elderly, or disabled family members;
3. the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse;
4. any possible risks to family members as a result of criminal activity, and
5. the recommendations of social service professionals.

Last modified: 15 April 2024

3.4. Income eligibility

Income limits apply at admission and are applicable for continued occupancy. If any family's income increases above the income limit after move-in, PHA will not seek to evict the family. Over-income families may opt to stay and pay a higher monthly rent. Additionally, PHA cannot consider a family's income grounds for termination of tenancy when a household is receiving the Earned Income Disallowance or is enrolled in a Family Self-Sufficiency program.

1. A family may not be admitted to the Public Housing program from another assisted housing program (e.g., tenant-based Section 8) or from a Public Housing program operated by another housing authority without meeting the income requirements of PHA.
2. If PHA acquires a property for federal Public Housing purposes, the families living there must have incomes within the low-income limit in order to be eligible to remain as Public Housing tenants.
3. Income limit restrictions do not apply to families transferring within our Public Housing Program.
4. If there are no eligible families on the waiting list and PHA has published a 30-day notice of available units in at least one newspaper of general circulation; families above the applicable income limit may be housed. They must vacate the unit within 30 days if an eligible family applies unless they are currently receiving the Earned Income Disallowance or are enrolled in a Family Self-Sufficiency Program.

Last modified: 15 April 2024

3.5. Asset Eligibility

Effective January 1, 2024, PHA will deny applicant families when:

1. Net family assets exceed \$100,000 (adjusted annually by HUD for inflation); and/or
2. The family has a present ownership interest in, a legal right to reside in, and the effective legal

authority to sell the real property (based on laws of the state of locality in which the property is located) that is suitable for occupancy by the family as a residence.

Families are given the opportunity to cure noncompliance with the asset limitation during this period. Failure to cure within six (6) months will result in termination.

With the exception of move-ins and every three years, PHA will accept a self-certification of net family assets equal to or less than \$50,000 (adjusted annually for inflation) at reexamination.

Last modified: 15 April 2024

3.5.1. Real Property Ownership Exceptions

Applicants aren't eligible for assistance and current tenants aren't eligible for continued occupancy when the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell, based on State or local laws of the jurisdiction where the property is located, real property that is suitable for occupancy by the family as a residence, except this real property restriction does not apply to:

1. Any property for which the family is receiving assistance under 24 CFR 982.620 (HCV leasing manufactured home); or under the Homeownership Option in 24 CFR part 982 (HCV);
2. Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property;
3. Any person who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking; or
4. Any family that is offering such property for sale.

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3.5.2. Real Property Suitability

A property will be considered "suitable for occupancy" unless the family demonstrates that it:

1. Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
2. Is not sufficient for the size of the family;
3. Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family);
 - a. the PHA has determined that more than a thirty-minute commute one-way shall be considered a hardship under this exception.
4. Is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
5. Is not a property that a family may reside in under the State or local laws of the jurisdiction where the

property is located.

Last modified: 15 April 2024

3.6. Citizenship/Eligibility Status

In order to determine the family's eligibility for public housing, PHA is required to determine the citizenship and/or immigration status of each individual family member, unless they do not contend that they have eligible immigration status.

To be eligible to receive housing assistance at least one family member must be either a citizen, a national of the United States, or have eligible immigration status. A "mixed family" includes ineligible non-citizens and may be eligible for prorated assistance. Details of the requirements are described below:

1. Acceptable documentation of eligible citizenship status is one of the following documents:
 - a. Passport (unexpired)
 - b. US Birth Certificate
 - c. Certificate of Citizenship
 - d. Naturalization Certificate
 - e. Voter's Registration
2. A non-citizen must have permanent residence, refugee, or asylum status to be eligible for assistance. Acceptable document of eligible immigration status for non-citizens is one of the following documents:
 - a. Permanent residents: Permanent Resident Card (Form I-551), also known as the "Green Card."
 - b. Asylees: Asylum Approval Notice and Employment Authorization Document (EAD), or Arrival-Departure Record (Form I-94), along with government-issued ID card with photo.
 - c. Refugees: Refugee Approval Notice and Employment Authorization Document (EAD).
 - d. Non-citizens sixty-two (62) years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date: Signed declaration of eligible immigration status and proof of age.
 - e. All Documents must be current and unexpired.
3. Declaration of Ineligible Immigration Status: An individual may contend not to have eligible immigration status. The family must identify in writing which family member does not contend to have eligible immigration status.
4. A single-member household without eligible citizenship or immigration status is not eligible for assistance and will not be admitted into the program.
5. Mixed Family: As long as one family member is either a citizen or eligible noncitizen, the family may qualify as a "mixed family" and the housing assistance must be prorated based on the family members who are either citizens or eligible immigrants, which means they will pay a higher rent than they would if all family members were either citizens or eligible.
6. A mixed family is composed of both eligible and ineligible members. A mixed family may be qualified for continued assistance if it meets all of the following conditions:
 - a. The family was receiving assistance under a Section 214 covered program on June 19, 1995, which is when the Non-citizens rule became effective.
 - b. The head of household, spouse, or co-head has eligible immigration status.

- c. The family does not include any person without eligible immigration status other than the head of household, spouse, co-head, and parents or children of the head, spouse, or co-head. A family granted continued assistance before November 29, 1996, is entitled to receive non-prorated assistance. A family granted assistance after November 29, 1996 must receive prorated assistance.
7. When PHA requests documentation proving citizenship or eligible immigration status, it must be provided to PHA within ten (10) business days. PHA may extend the submission period, however, it shall not exceed thirty (30) days.
 - a. Any participant family members coded as eligible non-citizens are required to submit evidence of changes in eligible immigration status while being continuously assisted under the program.
 - b. PHA shall verify with INS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member. The INS SAVE system provides access to names, file numbers, and admission numbers of non-citizens.
 - c. Once the applicant or participant has submitted the documents of eligibility; PHA may not deny, delay, or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.
 - d. In circumstances where INS has not verified eligibility, the family will be provided with a written notice that shall include:
 - i. That the family has a right to request an appeal to INS of the results of the verification of immigration status;
 - ii. That the participant's family has the right to request an informal hearing with PHA upon completion of the INS appeal;
 - iii. That housing assistance may not be denied or terminated until the conclusion of the INS or PHA appeal process; and
 - iv. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

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3.7. Social Security Number Documentation

All members of the family, except those that do not contend they have eligible immigration status, must provide appropriate documentation of his or her Social Security Number (SSN) before the household is admitted into the program.

1. Subsequent Disclosure: When an additional household member is added to the household, including a newborn or live-in aide, a complete and accurate SSN for each new member must be provided and verification provided at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member, unless the member of the household does not contend that they have eligible immigration status. If the additional household member has no SSN, a SSN must be applied for and documentation submitted at the time of the request to add the child to the household.

2. Exemptions: Existing family members, who as of January 31, 2010, were 62 years of age or older (born on or before January 31, 1948). If social security number disclosure or verification is not possible for these residents, they shall be considered exempt from this requirement. This exemption continues even if the individual moves to a new public housing assisted unit.

3. Verification of SSNs: Applicants and participants must submit one of the following documents to confirm their SSN:

- An original SSN card issued by SSA;
- An original SSA-issued document, which contains the name and SSN of the individual; or
- An original document issued by a Federal, State, or local government agency, which contains the name and SSN of the individual.

4. Rejection of Documentation: PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:

- The document is not an original document; or
- The original document has been altered, mutilated, or is not legible; or
- The document appears to be a forged document (i.e., does not appear to be authentic).
- PHA will disclose the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to PHA within a specified time frame.

5. Referral sources for applicants and participants who need to request a SS card or obtain information: www.socialsecurity.gov or 800-772-1213.

6. Time frame to submit documents to confirm the SSN.

- Applicants: If at the time of eligibility, the documents to verify the SSN for each family member cannot be submitted and the applicant is otherwise eligible, the applicant may retain his or her place on the waiting list for the program, but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 60 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.
- Program Participants: Next annual or interim reexamination or within 90 days of request date, or 120 days for participants 62 years or older.
- Additional Time: PHA may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.

7. Penalties for failing to disclose and verify SSN:

- Applicants: PHA must deny the eligibility of an applicant if the applicant does not meet the applicable SSN disclosure, documentation and verification requirements by the time eligibility is determined or within the period of time established by PHA to provide documentation.
- Program participants: PHA must terminate the HCV assistance of a participant if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.

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3.8. Verification of Legal Identity

In order to prevent program abuse, PHA requires applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

1. Certificate of birth or naturalization papers;
2. Church-issued baptismal certificate;
3. Current valid driver's license;
4. US military discharge (DD 214);
5. US passport;
6. Voter's registration;
7. Company / agency identification card;
8. Department of Motor Vehicles identification card;
9. Hospital records.

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

1. Certificate of birth;
2. Adoption papers;
3. Custody agreement;
4. Health and Human Services ID;
5. School records.

If none of these documents can be provided, a third party who knows the person may, at PHA's discretion, provide a certification.

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3.8.1. Verification of Marital Status

Verification of marital status must be one or more of the following:

1. Verification of marriage status is a marriage certificate.
2. Verification of divorce status will be a certified copy of the divorce decree, signed by a court officer.
3. Verification of a separation may be a copy of court-ordered maintenance or other records.

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3.8.2. Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will always be required if applicable:

1. Verification of relationship;
2. Official identification showing names;
3. Birth certificates;
4. Baptismal certificates.
5. Verification of guardianship is:
6. Court-ordered assignment;
7. Affidavit of parent;
8. Verification from social service agency;
9. School records.

Revision: 1 — Last modified: 15 April 2024

3.8.3. Verification of Disability

Verification of disability must be one or more of the following:

1. Receipt of SSI or SSA disability payments under Section 223 or the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act.
2. Verification by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format. Specific information about the nature of the disability shall not be requested.

Last modified: 15 April 2024

3.9. Signing Consent Forms

In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms (HUD form 9886).

The consent form must contain, at a minimum, the following:

1. A provision authorizing HUD or PHA to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
2. A provision authorizing HUD to request income information from the IRS, the Department of Human Services, and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
3. A statement that the authorization to release the information requested by the consent form expires

15 months after the date the consent form is signed.

Effective January 1, 2024, any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants.

Last modified: 15 April 2024

4. Grounds for Denial

PHA shall inform in writing each applicant who does not meet the eligibility criteria and explain the rationale for the denial. All applicants will be ineligible for one-year of the date they were denied, with the exception of life time bans (as noted herein).

Last modified: 15 April 2024

4.1. Determining Applicant's Ability to Comply with Lease

Applicants must provide information demonstrating their ability to comply with the essential elements of the lease. The Housing Authority may prohibit admission to Public Housing for failure to provide this information.

1. A credit check of the head, spouse, and co-head;
2. A rental history check of all adult family members;
3. A check of employment history of all adult family members;
4. A criminal background check on all household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five (5) years.
5. All family members over the age of 18 must sign an affidavit certifying that no family members (including minors) have participated in any criminal behavior listed in this section.
6. Net family assets exceed \$100,000 (adjusted annually by HUD for inflation); and/or
7. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell the real property (based on laws of the state of locality in which the property is located) that is suitable for occupancy by the family as a residence. (Reference 3.5.1, 3.5.2).

Last modified: 15 April 2024

4.2. Documentation Requirements

PHA must prohibit admission, if:

1. The family fails to supply any information that the Housing Authority or HUD determines is necessary in administration of the Public Housing program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.
2. If the family fails to supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements.
3. If the family who does not disclose social security numbers, the family will not be admitted to PHA's public housing program.

4. The family's adult members fail to complete the HUD form 9886, which provides PHA with consent to obtain wage and claim information from State Wage Information Collection Agencies (SWICAs).
5. If any information supplied by the family is not true and complete.

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4.3. Considerations for Denial

The specific considerations for denial are listed in this section, which include rental history, credit history, criminal history, a history of debt or unpaid obligations, and other considerations. If there is any evidence of any of the above, the application will be denied, subject to an informal hearing, if requested by the applicant.

Last modified: 15 April 2024

4.3.1. Life-Time Bans

PHA must prohibit admission to Public Housing if any household member:

1. Is subject to a "lifetime" registration requirement under a State sex offender registration program.
2. Has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of Federally assisted housing.
3. PHA may prohibit admission to public housing if any household member is subject to "any" registration requirement under a State sex offender registration program.

Last modified: 15 April 2024

4.3.2. Denial for a History of Eviction

A history of negative rental history, particularly rental history which includes eviction will be reviewed in the application process. All applicants with a history of eviction of unpaid debts to other Housing Authorities or Landlords shall be denied. Applicants with any history of eviction for reasons other than non-payment of rent shall also be denied. For the purpose of this consideration, the eviction may or may not have resulted in a legal finding with a court system. If the household was evicted and agreed to vacate without settling debts or correcting reasons for the eviction, the applicant will be denied.

With regards to eviction for drug or alcohol related issues, the household member will be denied by PHA for a period of three (3) years. After which, the consideration of the eviction will be reconsidered if the applicant is able to show PHA that:

1. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by PHA;
2. The circumstances leading to the eviction no longer exist (e.g., the criminal household member has died or is imprisoned);
3. If PHA determines that any household member is currently engaging in illegal use of a drug (For

purposes of this section, a household member is “currently engaged in” the criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current);

4. If PHA determines it has reasonable cause to believe that a household member’s illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
5. If PHA determines it has reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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4.3.3. Denial for Negative Rental History

PHA will require that all applicants provide at least five (5) years of rental history from prior landlords. PHA will verify directly with the landlord (or other verifier) about the history of the applicant as a tenant with the landlord. PHA will verify:

1. Applicant’s history of rental payments;
2. Applicant’s history of maintaining the dwelling unit;
3. Applicant’s history of behavior with other tenants and in the community (if known);
4. PHA will not consider negatively applicants who:
 - a. Have never rented an apartment or other dwelling unit or have less than five (5) years of rental history;
 - b. Have owned housing in the past 5-10 years and therefore have no rental history; or
 - c. Have lived with family (or other similar) members and have no history of leased housing.
5. Applicants who are currently homeless will not have the inability to provide a current landlord for reference shall not be grounds for denial.

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4.3.4. Denial for Criminal Activity

One of PHA’s most integral missions is to provide residents with safe neighborhoods. With that thought in mind, PHA will review the criminal history of all applicants and deny applicants with a history of criminal activity.

PHA will deny any application where a household member has been convicted of any criminal activity within three (3) years of the date of application. PHA may deny applications where evidence of criminal activity has been provided which did not result in a conviction. For criminal activity more than five (5) years from the date of application, PHA will consider the nature of the crime, and may deny the application for serious criminal behavior.

1. Violent criminal activity (defined at 24 CFR 5.100) [Note the exception for victims of domestic

violence];

2. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;
3. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of PHA (including a PHA employee or a PHA contractor, subcontractor or agent);
4. Theft or fraudulent practice the equivalent of a Felony under state law or repeat misdemeanor convictions (three times within the last 10 years);
5. Forgery or fraudulent criminal acts;
6. Disorderly conduct;
7. Required to register under a State sex offender registration program;
8. Any drug related criminal activity – Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Last modified: 15 April 2024

4.3.5. Removal of a Member from Application

Adult members may not be removed from the application to reverse a negative eligibility decision for criminal, credit, or other reasons. If a family is denied housing for not meeting the standards in this policy, the application will be rejected and a complete explanation of the reasons for denial will be provided.

Applicants will be provided with an opportunity for an informal hearing, and may re-apply for housing with a new application, if the decision is not reversed as a result of the hearing.

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4.3.6. Denial for Negative Consumer Credit History

Each applicant will have a consumer credit report run at the time of admissions, applicants with any of the following will be considered ineligible, as these elements on their credit report will be considered as a hindrance to the applicant's ability to pay rent and utilities:

1. Debt to Income Ratio: if the household's debt to income ratio exceeds 50% of the household wages, then the household will be considered to be ineligible.
2. Household Utilities: if the household has a history of non-payment with utility companies, such as Electric, Gas, Propane, Oil, Water, Sewer, etc., then the applicant will not be eligible for assistance.
3. Household Credit History: If the credit report reveals any instances of revolving or other credit that were defaulted on in the last three years, then the household will be considered to be ineligible.

Last modified: 15 April 2024

4.3.6.1. Exceptions for Consumer Credit Counseling

If the applicant is able to provide evidence of participation in a consumer credit counseling program or debt counseling, their participation shall be considered a mitigating factor for reconsideration of a denial for negative credit history. The credit counseling company must be on the list of agencies approved by the Department of Justice.

Last modified: 15 April 2024

4.3.6.2. Additional Considerations & Mitigating Conditions

The following applies to PHA's determination to approve or deny admission due to the action or failure to act by members of the family. In the event of the receipt of unfavorable information with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with PHA's policies, procedures, and practices, consideration may be given to factors which might indicate a reasonable probability of favorable future conduct, including but not limited to:

1. Evidence of rehabilitation; and
2. Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs and the availability of such programs; and
3. The effect the denial will have on family members not involved in the criminal activity and the extent to which the offending family member and applicant have taken personal responsibility and have taken all reasonable steps to prevent or mitigate the offending behavior.

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4.3.7. Discretion to Deny for Other Miscellaneous Reasons

PHA may prohibit admission:

1. If any member of the family has ever been terminated from assistance under a Section 8 program or evicted from federally assisted housing;
2. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
3. If the family currently owes rent or other amounts to PHA or to another Housing Authority in connection with Section 8 or public housing assistance or any other Federally assisted housing under the 1937 Act (as amended);

4. If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under a Section 8 assisted lease;
5. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel;
6. If PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
7. If any member of the applicant family is found to have used an alias in the commission of a crime, in the application for government benefits or assistance, or to mislead or defraud a creditor;
8. If a person is denied for any reason listed above, the person will be ineligible for assistance for one year after the date of the denial notice.

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4.4. Prohibition Against Denial of Assistance To Victims Of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Human Trafficking

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the PHA's policies.

While the PHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the applicant may inform the PHA that their status as a victim is directly related to the grounds for the denial.

The PHA will request that the applicant provide enough information to the PHA to allow the PHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The PHA will include in its notice of denial information about the protection against denial, a notice of VAWA rights, and a copy of the form HUD-5382. The PHA will request in writing that an applicant wishing to claim this protection notify the PHA within 14 business days.

Victim Documentation [24 CFR 5.2007]

If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will request in writing that the applicant provide documentation supporting the claim.

Last modified: 15 April 2024

5. Managing the Waitlist

Applications for admissions to the Public Housing program are processed for all applicants who successfully complete an application and submit it in accordance with the steps outlined in this section. Through the management of the Public Housing waitlist, PHA aims to ensure equal treatment of all applicants and apply PHA's waitlist preferences to all eligible families.

Applications will only be accepted when the waiting list is open; the steps for opening and closing the waiting list are detailed below. PHA's process of evaluating applicants for its public housing program is designed to ensure that all applicants are provided with an open and fair process to determine their eligibility; the following processes and steps are designed to ensure that this process remains transparent for all participants.

Last modified: 15 April 2024

5.1. Opening and Closing the Waitlist

Opening of the waiting list will be announced with a public notice stating that applications for Public Housing will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program and such applicants will not lose their place on other waiting lists when they apply for Public Housing. The notice will be in compliance with Fair Housing requirements.

Closing of the waiting list will also be announced with a public notice. The public notice will state the date the waiting list will be closed and for all bedroom sizes. The public notice will be published in a local newspaper of general circulation.

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5.1.1. Open Registration at Designated Locations

1. People interested in applying for the programs offered by PHA may do so at PHA main office.
2. Media advertisement and marketing providing notice of the opening of the waiting list will be conducted. The designated location will be accessible to people with disabilities and will be part of the notice.

Last modified: 15 April 2024

5.1.2. Submission of Applications

1. In the event that PHA decides to accept applications in person at a designated location other than the main office, PHA will make reasonable accommodations for applicants with disabilities.
2. Only one application is allowed per family. Duplicate applications will be disregarded. Applications will be screened for duplicity to ensure that the applicant or any other adult family member listed in the application has not submitted another application.
3. If an applicant is determined ineligible, the applicant is entitled to an informal review; which will be performed by the Executive Director or designated appointee.

Last modified: 15 April 2024

5.2. Affirmative Fair Housing Marketing Plan

PHA's marketing plan ensures inclusion on its waiting list of all people without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, source of income or any additional state/local protected categories.

The opening of the waiting list will be advertised in accordance with the Affirmative Fair Housing Marketing Plan. The opening and closing dates of any open waiting list period will be advertised one week in advance.

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5.2.1. Outreach to Very-Low Income Families

Efforts will be taken to ensure outreach to the Public Housing Authority's eligible population providing information of all opportunities to apply for Public Housing. In order to reach the widest eligible population, the agency may use special outreach in any of the following methods:

1. Notice to churches, synagogues, and other places of worship;
2. Notice to government offices including but not limited to libraries, or other agencies designed to assist the low-income community;
3. Notice to agencies that assist the elderly or disabled; or
4. Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

Last modified: 15 April 2024

5.2.2. Marketing Materials

Marketing and informational materials will:

1. Comply with Fair Housing Act requirements on wording, logo, etc.;
2. Describe the application process, waiting list, and preference structure accurately;
3. Use clear and easy-to-understand terms, and upon request, PHA will distribute in more than English-

language print media;

4. Contact agencies that serve potentially qualified applicants least likely to apply (e.g., the disabled) to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
5. Make clear who is eligible:
 - a. Low-income individuals and families;
 - b. Working and non-working people;
 - c. Elderly and Near-Elderly persons and families;
 - d. People with both physical and mental disabilities; and
6. Be clear about PHA's responsibility to provide reasonable accommodations to people with disabilities.

Last modified: 15 April 2024

5.2.3. Family Outreach

PHA will publicize the availability and nature of the Public Housing Program for extremely low-income, very-low, and low-income families in a newspaper of general circulation or by other suitable means. PHA will distribute flyers to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. PHA will also try to utilize public service announcements and billboard advertising, if appropriate.

PHA will communicate the status of housing availability to other service providers in the community and inform them of housing eligibility factors and guidelines so they can make proper referrals for the Public Housing Program.

For those who call the Housing Authority office, the staff may be available to convey essential information.

1. The Housing Authority may hold meetings with local social community agencies.
2. The Housing Authority may sponsor "Open House" programs within the public housing community to attract potential tenants to view a public housing unit.
3. The Housing Authority may make known to the public, through publications in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for public housing. The Housing Authority shall take affirmative actions to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income, are less likely to apply for public housing. When there is a local housing plan pursuant to Section 24 CFR, part 91(Comprehensive Housing Affordability Strategy (CHAS), the Housing Authority planned programs will be incorporated in the (CHAS).

Revision: 1 — Last modified: 15 April 2024

5.3. Organization of Waitlist

The waiting list will be maintained in accordance with the following guidelines:

1. The application will be part of an active applicant's/tenant's permanent file, all dropped applications will be kept for three (3) years.
2. All applications will be maintained in order of bedroom size, preference, and then in order of date and time of application; and
3. Any contacts between PHA and the applicant will be documented in the applicant file.
4. The applicant shall provide the necessary documents to verify their income with the original application to ensure proper placement on the waiting list based on income targeting criteria.

Last modified: 15 April 2024

5.3.1. Families Nearing the Top of the Waitlist

When a family appears to be within three (3) months of being offered a unit, the family will be sent a request to update their income, asset, expenses, and household composition. If eligible for a waitlist preference, the waitlist preference will be re-evaluated. If the family no longer qualifies to be near the top of the list because of a preference, the family's name will be returned to the appropriate place on the waiting list.

PHA must notify the family, in writing, of this determination and give the family the opportunity for an informal review. If not already completed, the family must provide copies of social security cards, verification of legal identity (e.g. birth certificates), photo identification for all adult members, citizenship/eligible immigrant information and sign the consent for release of information forms.

Last modified: 15 April 2024

5.3.2. Purging the Waitlist

PHA will update and purge its waiting list at every six (6) months to ensure that the pool of applicants reasonably represents the interested families for whom PHA has current information, i.e. applicant's address, family composition, income category, and preferences.

Revision: 1 — Last modified: 15 April 2024

5.3.3. Removal of Applicants from the Waitlist

PHA shall remove an applicant's name from the waiting list when:

1. The applicant requests in writing that the name be removed;
2. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program (this includes mail undeliverable by the Postal Service which is returned to PHA);
3. The applicant does not meet either the eligibility or suitability criteria for the program;
4. Application forms from applicants removed from the waiting list can be destroyed three (3) years from date of removal;
5. The applicant rejects two offers for housing;

6. Any mail to the applicant is returned by the Postal Service.

Last modified: 15 April 2024

5.3.4. Missed Appointments

If an applicant fails to keep a scheduled appointment, PHA will allow the family to reschedule for good cause, as determined by PHA. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities will be given for good cause. When good cause exists for missing an appointment, PHA will work closely with the family to find a more suitable time.

If the family does not appear or call to reschedule the appointment(s) required, the Housing Authority may begin termination procedures. The applicant or tenant will be given an opportunity for an informal meeting or hearing, as appropriate pursuant to the grievance process.

Last modified: 15 April 2024

5.3.5. Notifications of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified by PHA, in writing, that they have ten (10) business days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified.

PHA system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, PHA will verify that there is, in fact, a disability and the disability caused the failure to respond, and provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

Last modified: 15 April 2024

5.3.6. Notification of Acceptance

PHA will send the applicant a written notice when he or she is selected from the waiting list. The notice will inform the applicant of the following:

1. Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview;
2. Who is required to attend the interview;
3. Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation;
4. Documents that must be provided at the interview to document eligibility for a preference, if applicable; and

5. Other documents and information that should be brought to the interview.

If a notification letter is returned with no forwarding address, the applicant will be removed from the waiting list without further notice. Such failure to act on the part of the applicant prevents PHA from making an eligibility determination, therefore, no informal hearing will be offered. For those applicants that have qualified for homeless targeting, a PHA representative will contact them by phone, or through a homeless-services organization, or by any other means of communication the applicant provided.

Last modified: 15 April 2024

6. Resident Selection and Assignment Plan

Tenants shall be selected from among eligible applicant families whose family composition is appropriate to available dwelling units. The housing authority will take into consideration the needs of individual families for low rent housing and the statutory purpose in developing and operating a socially and financially sound low-income housing project, which provides a decent home and a suitable living environment and fosters economic and social diversity in the tenant body as a whole. Selection will be made in such a manner as:

- For every fiscal year, each HA shall reserve a percentage of its new admissions for families whose incomes do not exceed thirty percent of the area median income. The goal for public housing shall be forty percent of new admissions. In reaching the new admission goals, the housing authority is required to avoid concentrating on very low income families in projects.
- To maintain a tenant body in each project composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families in the HA's area of operation as defined by state law.
- Order of Selection- Applications will be filed in the following hierarchical order:
 - Unit size/type needed by applicants
 - Preferences, if applicable
 - Date and time of application
 - Provided, however, the provisions of the de-concentration rule, contained within this policy, shall supersede the selection of applicants based on date and time and local preference points, if applicable, and allow the HA to skip families on the waiting list to accomplish this goal.

Note: An applicant can reject an offer one time before losing their place on the waiting list. If an applicant rejects the first offer, the applicant will be notified at that time that due to the fact they refused the offer of assistance, the date and time of their application is being changed to the date and time that they refused the offer. This will be explained verbally and followed-up in writing to the applicant. The housing authority will notify (verbally and in writing) the applicant that their actions may affect their place on the waiting list, and the next offer of assistance will be made when their name reaches the top of the waiting list.

Last modified: 15 April 2024

6.1. Preferences

PHA will select families based on the following preferences within each bedroom size category. Families eligible under multiple categories of preferences will be assigned higher placement on the waitlist accordingly. For example, if a family is eligible under the working family preference and the local area residence, their application will be given even greater priority. All preferences will be verified when the family contends eligibility for the preference and will only be provided a preference position on the waitlist once the preferences have been appropriately verified. Eligibility for the preference will be re-reviewed upon final determination of eligibility.

Last modified: 15 April 2024

6.1.1. Working Family Preference

Families who are working as of the date of the application and have been working for a period of at least six (6) months at the same place of employment for at least 20 hours per week, shall be eligible for this preference. This preference defines a “working family” as any family with at least one working adult member; if there are other members of the family who are adults and not currently employed, the family will still be eligible for this preference. Households where the head of household, co-head or spouse is disabled and unable to work will qualify for this preference.

Last modified: 15 April 2024

6.1.2. Local Area Residency Preference

Families who are local area residents (no P.O. Boxes will be accepted without a specific street address shall be given preference for admissions to the program). If an applicant can show that they have been a resident of the county they will be eligible for this preference. Proof of residency can include:

1. Proof of ownership of real estate,
2. A lease executed for a county address of more than six months prior to the date of application,
3. Utility bills from the address from six months or more,
4. Signed and dated letter from official source of the County, including but not limited to: police officials, school officials, building officials.
5. Other forms of verification will be considered but are subject to review and approval by PHA staff.

Last modified: 15 April 2024

6.1.3. Displaced Individuals or Families

Families or individuals displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws. The date and time of application will be noted and utilized to determine the sequence within the above-prescribed preferences.

Last modified: 15 April 2024

6.1.4. Accessible Units

Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, must accept a transfer (at their own expense) ; if, at a future time, a family requiring an accessible feature applies. Any family required to

transfer will be given a 30-day notice.

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6.1.5. Extremely Low Income Applicant Targeting and Deconcentration

PHA shall follow the statutory requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income (basic targeting requirement). To ensure this requirement is met, PHA shall monitor the incomes of newly admitted families and the incomes of the families on the waiting list. If it appears that the requirement to house extremely low-income families will not be met, higher income families on the waiting list will be skipped to reach extremely low-income families.

Outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement will be considered to meet the 40% requirement explained in the preceding paragraph. A quarterly report will also be provided to the board of commissioners identifying the income categories and number of families on the waiting list.

The specific objective of the housing authority is to house no less than 40% of its public housing inventory with families that have income at or below 30% of the area median income by public housing development. Also the housing authority will take actions to insure that no individual development has a concentration of higher income families in one or more of the developments. To insure that the housing authority does not concentrate families with higher income levels, it is the goal of the housing authority not to house more than 60% of its units in any one development with families whose income exceeds 30% of the area median income. The housing authority will track the status of family income, by development, on a monthly basis by utilizing income reports generated by the housing authority's computer system.

To accomplish the de-concentration goals, the housing authority will take the following actions:

1. At the beginning of each housing authority fiscal year, the housing authority will establish a goal for housing 40% of its new admissions with families whose incomes are at or below the area median income. The annual goal will be calculated by taking 40% of the total number of move-ins from the previous housing authority fiscal year.
2. To accomplish the goals of:
 - a. Housing not less than 40% of its public housing inventory on an annual basis with families that have incomes at or below 30% of the area median income, and
 - b. Not housing families with incomes that exceed 30% of the area median income in developments that have 60% or more of the total household living in the development with incomes that exceed 30% of the area median income, the housing authority's tenant selection and assignment plan, which is a part of this policy, provides for skipping families on the waiting list to accomplish these goals.

Last modified: 15 April 2024

6.2. Assignment of Bedroom Sizes

The following guidelines will determine each family's unit size without overcrowding or over-housing:

Bedrooms	Persons
1 Bedroom	1-2 Persons
2 Bedroom	2-4 Persons
3 Bedroom	3-6 Persons
4 Bedroom	4-8 Persons

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons with the exception of the living room or separate living space accommodate an additional person. In determining bedroom size, the PHA will include the presence of children who are in the household at least 50% of the time, children, to be born to a pregnant woman, children who are in the process of being adopted, children who are temporarily away at school, or children who are temporarily (less than one year) in foster care. Other pending custody issues will be evaluated on a case-by-case basis, taking into account the reasonable likelihood of success. Documentation of guardianship will be required.

In addition, the following considerations may be taken in determining bedroom size:

1. Children of the same sex may share a bedroom.
2. Children of the opposite sex, both under the age of three may share a bedroom.
3. A child two (2) years of age or less to may share a bedroom with a parent(s).
4. Adults and children will not be required to share a bedroom; for example, the head-of-household and co-resident may be assigned a separate bedroom.
5. Foster adults and/or foster children will not be required to share a bedroom with family members and are only included as household members when determining unit size, not income eligibility.
6. Live-in aides will get a separate bedroom.
7. Some medical needs may be justification for exceptions to the occupancy standards; these exceptions must be justified with a reasonable accommodation request. Some conditions, such as mobility issues which are visually apparent, will not require a formal reasonable accommodation request, however, PHA will document the exception as a reasonable accommodation.

Revision: 1 — Last modified: 15 April 2024

6.2.1. Exceptions to normal bedroom size standards

Reasons for exceptions to bedroom size standards include the following:

1. Units smaller than assigned through the above guidelines – A family may request a smaller unit size than the guidelines allow. PHA may allow the smaller size unit so long as generally no more than two (2) people per bedroom are assigned. In such situations, the family will sign a certification stating they understand they will be ineligible for a larger size unit for one year or until the family size changes, whichever may occur first. PHA is under no obligation to allow a larger size unit and any moves allowed will be at the family's own expense.
2. Units larger than assigned through the above guidelines – A family may request a larger unit size than the guidelines allow. PHA may allow the larger size unit if the family provides a verified medical need (a written verification must be obtained from a reliable, knowledgeable professional) that the family must be housed in a larger unit.
3. If there are no families on the waiting list for a larger size, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

Last modified: 15 April 2024

6.3. Offer of a Unit

When PHA discovers that a unit will become available, it will contact the first family on the waiting list who has the highest priority for the type of unit. While PHA aims to limit vacancy loss and limit the number of days units remain vacant; PHA seeks to ensure that eligible families are matched with the right dwelling unit to ensure successful tenancies.

1. PHA will contact the family first by telephone to make the unit offer. The family will also be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact PHA regarding the offer.
2. The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have three (3) business days to accept or reject the unit. This verbal or written offer and the family's decision must be documented in the tenant file. If the family rejects the offer of the unit, PHA will send the family a letter documenting the offer and their rejection of the offer.
3. If the applicant cannot be reached by mail or by telephone, their application will be rejected.
4. Applicants will be provided with a maximum of two offers for housing.

Last modified: 15 April 2024

6.3.1. Rejection of Unit

Applicants who reject a unit on their first offer will not lose their place on the waiting list, assuming that their eligibility for preferences does not change between offers. PHA will provide the applicant with written confirmation of their rejection and notify the family that the next offer they receive must be accepted or their application will be denied and removed from the waiting list.

Families who reject the second offer of housing will be removed from the waitlist. The applicant will be

offered the right to an informal review of the decision to alter their application status. During the informal appeal process they can provide justification for the denial (such as proximity to work or school or other factors).

Last modified: 15 April 2024

6.3.2. Acceptance of Unit

1. The family will be required to sign a lease that will become effective no later than five (5) business days after the date of acceptance or the business day after the day the unit becomes available, whichever is later. If the family is unable to move-in in that timeframe, PHA may decide to provide the applicant family an extension at PHA's discretion.
2. The applicant will be provided a copy of the lease, the grievance procedure, utility allowances, utility charges, the current schedule of routine maintenance charges, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with PHA personnel. The certification will be filed in the tenant's file.
3. The head of household and all adult family members will be required to execute the lease prior to admission. One executed copy of the lease will be furnished to the head of household and PHA will retain the original executed lease in the tenant's file. A copy of the grievance procedure will be attached to the resident's copy of the lease.

Last modified: 15 April 2024

6.4. Security Deposit

The family will pay a security deposit at the time of lease signing.

The security deposit is \$100.00 or one month's Total Tenant Payment, whichever is greater. Security Deposit must be paid in full at time of move-in.

In the case of a move within Public Housing, the security deposit for the first unit will be transferred to the second unit.

Last modified: 15 April 2024

7. Income, Exclusions from Income, Assets, & Deductions from Income

To determine annual income, PHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, PHA subtracts all allowable deductions (allowances) to determine the Total Tenant Payment (TTP).

Last modified: 15 April 2024

7.1. Annual Income

Annual income means all amounts, monetary or not, or anticipated to be received, from a source outside of the household, by the family head or spouse (even if temporarily absent) or any other family member during the twelve (12) month period following the effective date of admission or past twelve (12) month period prior to annual re-examination.

1. All amounts, not specifically excluded, received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age, and
2. When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current passbook savings rate, as determined by HUD.
3. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.

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7.1.1. Earned Income

Earned income means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Last modified: 15 April 2024

7.1.2. Unearned Income

Unearned income means any annual income, as calculated under § 5.609, that is not earned income.

All assistance under the Higher Education Act (HEA) or the Bureau of Indian Affairs Student assistance program (BIA), even amounts in excess of actual covered costs of the student, are excluded from income.

1. Other assistance, such as scholarships or grants not covered under HEA or BIA; the amount of assistance that is in excess of actual covered costs of the student are included in annual income;
2. The following is NOT considered student financial assistance and therefore must be included in income;
3. Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded);
4. Gifts, including gifts from family or friends.

Actual covered costs to attend school, include the cost of:

1. Tuition,
2. Books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities),
3. Room and board, or other fees required and charged to a student by the education institution, and for a student who is not the head of household or spouse,
4. The reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit (i.e., the student is living in off-campus/noncollege owned housing while away at school instead of a dorm or college owned housing).

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7.1.3. Income Exclusions

Annual Income Exclusions are:

1. Imputed asset income when net family assets total \$50,000 or less;
2. For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets
3. Distributions of the principal or corpus of the trust; and
4. Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor;
5. For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust;
6. Earned Income from employment of children (including foster children) under the age of 18 years;
7. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone); or State or Tribal kinship or guardianship

- care payments;
8. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlements for personal or property losses; including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation;
 9. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical expenses for any family member;
 10. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled;
 11. Income of a live-in aide, foster child, or foster adult;
 12. Certain Student Financial Assistance;
 13. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
 14. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 15. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 16. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. No resident may receive more than one such stipend during the same period of time;
 17. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program; unless those amounts are excluded under paragraph (b)(9)(i) of this section;
 18. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 19. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent in § 5.611;
 20. Adoption assistance payments for a child in excess of; the amount of the deduction for a dependent in § 5.611;
 21. Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit;
 22. Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a

- car);
23. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law;
 24. Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions apply. HUD will publish a notice in the FEDERAL REGISTER to identify the benefits that qualify for this exclusion. Updates will be published when necessary;
 25. Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:
 - a. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment;
 - b. Direct Federal or State payments intended for economic stimulus or recovery;
 - c. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received;
 - d. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received;
 - e. Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries);
 - f. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization;
 - g. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings;
 - h. Civil rights settlements or judgments, including settlements or judgments for back pay;
 - i. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family;
 - j. Income earned on amounts placed in a family's Family Self Sufficiency Account;
 26. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
 - a. Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and
 - b. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

7.1.3.1. Assets

When the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the current savings rate, as determined by HUD.

When assets do not exceed \$50,000, a self-certification of asset income will be utilized to determine asset value and income income.

For move-ins and every 3rd Annual Recertification, all assets will be verified by the PHA.

Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

In determining net family assets, PHA includes the value of any business or family assets disposed of by an applicant or participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination in excess of the consideration received thereof. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets

With the exception of move-ins and every three years, PHA will accept a self-certification of net family assets equal to or less than \$50,000 (adjusted annually for inflation) at reexamination.

7.1.3.1.1. Asset Exclusions

Excluded from the calculation of net family assets are:

- i. The value of necessary items of personal property;
- ii. The combined value of all non-necessary items of personal property* if the combined total value does not exceed \$50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers);
- iii. The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;
- iv. The value of real property that the family does not have the effective legal authority to sell in the

jurisdiction in which the property is located;

- v. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;
- vi. The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any “baby bond” account created, authorized, or funded by Federal, State, or local government.
- vii. Interests in Indian trust land;
- viii. Equity in a manufactured home where the family receives assistance under 24 CFR part 982;
- ix. Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982;
- x. Family Self-Sufficiency Accounts; and
- xi. Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

- See Table F1 on next page for examples of Necessary and Non-Necessary Personal Property.

Last modified: 15 April 2024

7.1.3.1.1.1. Necessary and Non Necessary Personal Property

Table F1: Examples of Necessary and Non-Necessary Personal Property

Necessary Personal Property	Non-Necessary Personal Property
<ul style="list-style-type: none"> • Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter) • Furniture, carpets, linens, kitchenware • Common appliances • Common electronics (e.g., radio, television, DVD player, gaming system) • Clothing • Personal effects that are not luxury items (e.g., toys, books) • Wedding and engagement rings • Jewelry used in religious/cultural celebrations and ceremonies • Religious and cultural items • Medical equipment and supplies • Health care–related supplies • Musical instruments used by the family • Personal computers, phones, tablets, and related equipment • Professional tools of trade of the family, for example professional books • Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities • Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment) 	<ul style="list-style-type: none"> • Recreational car/vehicle not needed for day-to-day transportation (campers, motorhomes, travel trailers, all-terrain vehicles (ATVs)) • Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds) • Recreational boat/watercraft • Expensive jewelry without religious or cultural value, or which does not hold family significance • Collectibles (e.g., coins/stamps) • Equipment/machinery that is not used to generate income for a business • Items such as gems/precious metals, antique cars, artwork, etc.

Last modified: 15 April 2024

7.1.4. Household Allowances and Expenses

Effective 1/1/2024

HUD provides families allowances for all families for dependents, elderly and disabled households, childcare expenses, and reported expenses for medical expenses for elderly/disabled households. The following annual deductions will be made from annual income:

1. \$480 for each dependent (adjusted annually for inflation);
2. \$525 for any elderly family or disabled family (adjusted annually for inflation);
3. Medical Expenses: For elderly/disabled families these expenses include unreimbursed health and medical expenses, including insurance premiums, doctor's services, co-payments, Medicare, dental, eyeglasses, hearing aids, attendant care (not related to work). The amount of the deduction shall equal the total of the medical expenses, less ten (10%) percent of annual income;
4. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus less ten (10%) percent of annual income; and
5. Child care expenses: Child care expenses may be deducted for children under 13 when the child care is necessary to enable a family member to work, seek employment, or attend school. Amount deducted must be unreimbursed expenses and shall not exceed the amount of income earned by the family member.

Last modified: 15 April 2024

7.1.4.1. Child Care Financial Hardship Exception

A family whose eligibility for the child care expense deduction is ending may request a financial hardship exemption to continue the child care expense deduction. PHA will recalculate the family's adjusted income and continue the child care deduction if the family demonstrates to PHA's satisfaction that the family is unable to pay their rent because of the loss of the child care expense deduction, and the child care expense is still necessary even though the family member is no longer employed or furthering his or her education. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days. PHA may extend such hardship exemptions for additional 90-day periods based on family circumstances and at PHA's discretion.

Requirements:

- (1) PHA's policy on what constitutes a hardship is determining the family's inability to pay the rent. This determination will be made by obtaining third-party verification.
- (2) PHA will promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from the hardship exemption. The notice will also inform the family of when the hardship exemption will begin and expire (i.e., the time periods specified or within 90 days or at such time as PHA determines the exemption is no longer necessary).

Families must report changes in circumstances that made the family eligible for the hardship exemption are no longer applicable within 30 days of occurrence.

Last modified: 15 April 2024

7.1.4.2. Health and Medical Financial Hardship Exception

To receive hardship relief (Phased-In Relief), the family must have received a deduction from annual income because their sum of expenses exceeded 3 percent of annual income as of January 1, 2024.

Form of relief:

- A) The family will receive a deduction totaling the sum of the expenses that exceed 5 percent of annual income.
- B) Twelve months after the relief is provided, the family will receive a deduction totaling the sum of expenses that exceed 7.5 percent of annual income.
- C) Twenty-four months after the relief is provided, the family will receive a deduction totaling the sum of expenses that exceed 10 percent of annual income and the only remaining relief that may be available to the family will be General Relief.

Eligibility for relief (General Relief):

To receive hardship relief, a family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination. Third-party verification will be obtained. Relief is available regardless of whether the family previously received deductions, is currently receiving relief or previously received relief.

Form and duration of relief:

- A) The family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income.
- B) The family's hardship relief ends when the circumstances that made the family eligible for the relief is no longer applicable or after 90 days, whichever comes earlier. PHA may extend the relief for one or more additional 90-day periods while the family's hardship condition continues.
- C) Once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.

Circumstances that will allow a family to qualify for a financial hardship:

- A) The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits; OR
- B) The family's income decreased because of a loss of employment, death of a family member, or due to a natural or federal/state-declared disaster.

Families must report when circumstances that made the family eligible for the hardship exemption are no longer applicable within 30 days of occurrence.

Last modified: 15 April 2024

7.2. Self-Sufficiency Incentives | Earned

Income Disallowance

The Earned Income Disallowance, sometimes called Earned Income Disregard or EID, is a program that allows eligible tenants to increase their income through employment without triggering rent increases. To be eligible, families must meet one or more of the following criteria:

1. A family member whose earned income increases during a family self-sufficiency or other job training program.
2. A family member who, during the previous 6 months, was assisted under any state temporary assistance to needy families program (TANF).
3. A family member becomes employed after being unemployed for at least one year. This is referred to as “previously unemployed”.

The earned income disallowance is enacted when an increase in annual income occurs as the result of employment under any of the following conditions:

1. Family member was previously unemployed for one or more years (previously unemployed means no more than would be earned for 10 hours of work per week for 50 weeks at the established minimum wage. or
2. Family member has new employment as a result of participation in an economic self-sufficiency or other job-training program. or
3. Family member has new employment during or within 6 months of receiving benefits or services under any state program for temporary assistance for needy families (FIP), provided that the total amount over a six-month period is at least \$500.
4. If any of the above conditions exist, that family member is eligible for 100% income exclusion of the income increase for a period of 12 cumulative months.
5. During the second cumulative 12-month period, the family member is entitled to a 50% exclusion of the income increase.
6. There is a maximum lifetime disallowance of two years under the 2016 streamlining rule.
7. The disallowance period shall begin as of the month following the first date of employment for the qualified family member.
8. The exclusion of increases in income as a result of employment under this section does not apply for purposes of admission to the Public Housing program (including the determination of income eligibility and income targeting).
9. As revised by the Streamlining Rule of 3/3/16, regardless of the number or length of breaks in employment, the maximum time limit for the EID is two years from the first month the EID was received. There can be “breaks” when the resident is not employed, but the total time for the exclusion periods does not exceed the 24-month lifetime limit.

Any family who is eligible will see the income disregarded for 12 months from the date of the income increase. The rent increase will then be figured in over a two-year period after the initial 12 months disregard, and no more than a 50% increase can be applied to the rent calculation in either year. If future Federal laws or regulation change, PHA reserves the right to include those changes within this ACOP by reference.

Effective January 1, 2024, new PHA residents and current residents not currently participating will not be eligible for Earned Income Disallowance.

Last modified: 15 April 2024

7.2.1. Permissive Deductions

The PHA has opted not to use permissive deductions.

Last modified: 15 April 2024

8. Verifications

In accordance with the regulations for Public Housing and the HCV programs, respectively, PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:

- (i) reported family annual income;
- (ii) the value of assets;
- (iii) expenses related to deductions from annual income; and (iv) other factors that affect the determination of adjusted income.

PHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, a need for a live-in aide and other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

For income verification, PHA will utilize EIV and other forms of upfront income verification, as well as copies of paystubs and other third party verifications. Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Last modified: 15 April 2024

8.1. Verifications and Use of EIV

In accordance with the regulations [24 CFR 960.259(c)(1) and 24 CFR 982.516(a)(2)] for Public Housing and the HCV programs, respectively, PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the participant file why third party verification was not available:

1. Reported family annual income;
2. The value of assets;
3. Expenses related to deductions from annual income; and
4. Other factors that affect the determination of adjusted income.

PHA will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, a need for a live-in aide and other reasonable accommodations; full-time student status of family members 18 years of age and older; Social Security numbers; and citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance [(24 CFR 960.206)].

For income verification, PHA will utilize EIV and other forms of upfront income verification, Safe Harbor verification and/or copies of paystubs and other third-party verifications. Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship, documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family [CFR 24 5.216(a) & CFR 24 5.508 (b)].

Last modified: 15 April 2024

8.2. Income Determinations and Safe Harbor Verification

For new tenants, income will be determined based on income anticipated to be received in the next 12 months.

PHA will determine the income of the family for the previous 12-month period and use this amount as the household income for recertification and;

1. In determining the income of the family for the previous 12-month period, the PHA will take into consideration any redetermination of income during the previous 12-month period resulting from an interim recertification.
2. PHA will make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.

For Annual Recertifications, PHA will determine the family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means-tested (Safe Harbor) forms of Federal public assistance:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low-Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition for Woman, Infants, and Children (42 U.S.C. 1786).
- Other programs administered by the Secretary.
- Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
- Other Federal benefit determinations made by other means-tested Federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

When multiple verifications are provided from different or the same Safe Harbor programs, the verification with the most recent income determination will be utilized.

Safe Harbor verification will be obtained by means of third-party verification and will state the family size, and must be for the entire family (i.e., the family members listed in the documenting must match the family's composition in the assisted unit, except for household members) and must state the amount of the family's annual income.

Should a family dispute any Safe Harbor verification, third-party verification will be obtained/utilized by PHA for the annual recertification.

Last modified: 15 April 2024

8.3. Written Third Party Verification

Written third-party verification includes original or authentic documents generated by a third-party source dated either within the 120-day period preceding the reexamination or PHA request date. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. It is the Department's position that such tenant-provided documents are written third-party verification since these documents originated from a third-party source. PHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information

Examples of acceptable tenant-provided documentation (generated by a third-party source) include but are not limited to: paystubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents must be used for income and rent determinations.

PHA is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, PHA should project income based on the information from a traditional written third-party verification form or the best available information.

Note: Documents older than 120 days (from PHA's interview/determination or request date) are acceptable for confirming effective dates of income.

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8.4. Written Third Party Verification Form

In the event that family cannot provide copies of paystubs or other third-party generated documentation, PHA will seek traditional third party verifications, which includes the completion of an income verification form which is sent to the employer, bank, etc., to be completed and returned by the third-party. This will be only attempted in the event that written third-party verification is not available or the documentation provided by the family is deemed to be inadequate or contains income or conflicting information.

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8.5. Oral Third Party Verification

In the event that the third-party written form is either

- (a) not returned or
- (b) returned incomplete, or
- (c) returned with conflictory income,

then PHA may obtain oral verification from the third-party (typically via telephone) in which case PHA representative will ask for clarification or completed information via oral verification from the third-party.

Last modified: 15 April 2024

8.6. Tenant Declaration

In the event that all other forms of third party verification are not available or possible, a family member may provide a notarized affidavit declaring their income or expenses. In these events, PHA will include a specific statement to the file from PHA representative explaining why all other forms of verifications were not possible.

Last modified: 15 April 2024

8.7. EIV Reporting

Reports from EIV will be used to assist PHA in determining the following at certifications and throughout the year as warranted.

1. Identifying tenants whose reported personal identifiers do not match the SSA database;
2. Identifying tenants who need to disclose an SSN;
3. Identifying tenants whose reported personal identifiers do not match the SSA database;
4. Identifying tenants who may not have reported complete and accurate income information;
5. Identifying tenants who have started a new job;
6. Identifying tenants who may be receiving duplicate rental assistance;
7. Identifying tenants who are deceased and possibly continuing to receive rental assistance;
8. Identifying former tenants of PIH rental assistance programs who voluntarily or involuntarily left the program and have a reportable adverse status and/or owe money to a PHA or Section 8 landlord.

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8.7.1. Resident Copies of EIV Data

If a resident requests a copy of their own EIV printout, a copy will be produced. The staff person providing the copy will note that the printout is a copy provided to the resident upon request. This note will include the following: This is not an original, this is a copy provided to [resident name, date, name of PHA employee,

and initialed by resident.

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8.7.2. Resident Disputes of EIV Data

Residents will be permitted to have access to information pertaining to them and to request information be updated (if possible) if there any items on the EIV data report that the tenant disagrees. PHA will independently verify the disputed information and the Tenant will be notified of the findings. PHA will not suspend, terminate, or make a final denial of assistance until the family has had an opportunity to dispute and discuss the findings.

Last modified: 15 April 2024

8.7.3. New Adult Family Members

When a tenant turns eighteen (18) and has not signed the form HUD-9886, PHA will not use the EIV income report from that tenant until the form is signed.

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8.7.4. EIV Printouts

Reports available through EIV when printed will be retrieved immediately. It is preferred that all EIV printouts are sent to the user's personal printer. EIV printouts will be stored in the resident file in a separate manila envelope. The Documentation of EIV Data will be included in the resident file. This entire file will be made available to authorized people including appropriate staff or contractors (i.e. Service Bureaus, contractors performing file reviews, etc.) for the Owner/Agent, HUD staff, Contract Administration staff, and the Office of the Inspector General.

If other people are tasked with reviewing the file, such as financial auditors complying with the Consolidated Audit Guide (Handbook IG 2000.04), the EIV printout in the manila folder including the EIV printout will be removed from the file and the Documentation of EIV Data will remain in the file to provide appropriate information to provide future file audits to determine how tenant rent was determined if EIV data was used to determine the Tenant Rent.

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8.7.5. Restricted Access to EIV Data

PHA will have the areas clearly identified by the use of prominently posted signs or other indicators; for example "Employees Only". This sign will be posted on the door to the locked file room or locked file cabinet. The restricted areas will be separated from non-restricted areas by physical barriers that control access and/or will have limited points of entry.

Since the EIV data in resident files is maintained in the locked file room or locked file cabinet, designated staff will establish and maintain a key control log to track the inventory of keys available, the number of keys issued, and to whom the keys are issued. All employees and contractors who have been issued keys to the file room will complete a form acknowledging the receipt of the key.

Users will retrieve computer printouts as soon as they are generated so that EIV data is not left unattended in printers or fax machines where unauthorized users may access them. EIV data will be handled in such a manner that it does not become misplaced or available to unauthorized personnel.

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8.7.6. Electronic Security Requirements

All computer systems and computers will have password restricted access. PHA will also use antivirus software to limit data destruction or unintended transmission via virus, worms, trojan horses or other malicious means. Remote access by other computers other than those specifically authorized is prohibited.

Authorized users of EIV data are directed to avoid leaving EIV data displayed on their computer screens where unauthorized users may view it. A computer will not be left unattended while the user is "logged in" to Secure Systems. If an authorized user is viewing EIV data and an unauthorized user approaches the work area, the authorized user will lessen the chance of inadvertent disclosure of EIV data by minimizing or closing out the screen on which the EIV data is being displayed.

All workstations in the office space that access the internet, are connected through a secured network. Firewalls and anti-virus protection software is activated and updates are performed regularly. Each workstation is password protected. Users do not have the authority on their workstation to disable or otherwise modify the firewall settings without the specific intervention of the IT department or designated IT individuals.

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8.7.7. Staff Access to EIV and Training/User Security

There is one coordinator for PHA. This person has been charged with assigning others in the organization with their (a) access to EIV, (b) roles within the company regarding what they will do within EIV, and (c) training users on the current security requirements outlined by HUD. These roles have been outlined below:

1. Security Awareness Questionnaire: The coordinator will complete the security awareness questionnaire, both in print and as part of the EIV system online. This will be completed prior to accessing EIV and will be updated annually. The coordinator will also ensure that each user that the coordinator assigns access privileges to complete this questionnaire prior to the rights being assigned and at least annually thereafter.
2. Housing Coordinator Access Authorization Form: The coordinator will complete the Access

Authorization form for Program Administrators prior to establishing any access to EIV data. This form will be submitted to HUD for review and a copy of the signed form will be kept on file in a secure location.

3. Coordinator Training Procedures: The coordinator for this property will receive annual training on the EIV requirements with a recognized organization, as classes are available, and/or participate in web based training provided by HUD or their Contract Administrator(s).
4. Coordinator Security Processes: The coordinator for this property and PHA will hold an executive position within the agency or be a qualified vendor. As such, this person will have undergone screening procedures for their position with PHA. These screening procedures will ensure that the person who is appointed as the Coordinator does not have (a) a criminal history or (b) severely delinquent credit history. Coordinator does not have user rights and cannot be both a coordinator and user. The coordinator will follow the rules of behavior for HUD Systems at all times.
5. Review of User Access: PHA will maintain a record of users who have approved access to EIV data. Further, PHA will revoke (Expire) the access rights of those users who no longer require such access or modify the access rights if a change in the user's duties or responsibilities indicates a change in the current level of privilege.
6. Owner Access Permission: Before applying for EIV access, the Secure Systems Coordinators will obtain a letter from each property owner indicating that the owner gives permission for the Secure Systems Coordinator to act as the EIV coordinator. Once that permission is obtained, the Coordinator will review the EIV training material provided by HUD and complete the appropriate Security Awareness Training Questionnaire, Cyber Awareness Challenge and review the EIV Security Policy and the EIV User Policy. Upon completion of these three tasks, the EIV Coordinator will submit, to HUD, the appropriate Coordinator Access Authorization Forms. Upon receipt of HUD approval, the EIV Coordinator will complete the EIV Coordinator setup process in WASS.
7. Staff Users: Property-level staff will be given access rights by the Coordinator, who is responsible for monitoring the staff/property users who have been given access to EIV; the following are policies and procedures to ensure proper use and access by the property/staff users.
8. User Access Authorization Form: Each User will complete the PHA Access Authorization Form prior to establishing any access to the EIV subsystem. This form will be submitted to the coordinator for review and a copy of the signed form will be kept on file in a secure location.
9. Staff User Training: Before requesting EIV User access, appropriate staff will review the EIV training material provided by HUD and complete the appropriate Security Awareness Training Questionnaire, Cyber Awareness Challenge and review the EIV Security Policy and the EIV User Policy. Upon completion of these three tasks, the EIV User will submit, to the EIV Coordinator, the appropriate User Access Authorization Form. Upon receipt, the EIV Coordinator will review the completed Security Awareness Training Questionnaire and Cyber Awareness Challenge Certification for accuracy and recommend further training if necessary. If the EIV Coordinator feels that the EIV User candidate does not understand the security requirements, the EIV Coordinator will not continue with the EIV setup for that user. All Users will follow the Rules of Behavior for HUD systems.
10. All EIV Users are required to have annual EIV training, in addition to taking the Security Awareness Questionnaire used for accessing the EIV system. Records will be maintained indicating date and type of training the User received; the EIV Coordinator will maintain this information. All staff that does not have access to the EIV system, but in the course of their job duties may have access to files containing EIV documents, must sign the HUD form "Rules of Behavior" and must receive EIV training

annually as well.

11. **User Access Review:** Once the user request information is satisfactorily completed, the EIV Coordinator will complete the appropriate steps to provide EIV access to the user. In accordance with HUD requirements, the user's need for access will be reviewed on a semi-annual basis.

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8.7.8. Required EIV Reports

EIV Reports are required to be generated at different events during a family's tenancy. At each event, PHA will print and maintain a copy of the reports in the family's file and resolve any discrepancies within 60 days. Below are the reports required:

1. **Admissions:** PHAs are required to review the EIV Former Tenant and Existing Tenant Report for any SSA matches involving another PHA or a Multifamily entity and follow up on any issues identified. If the tenant is a new admission to the PHA, and a match is identified at a Multi-family property, the PHA must report the program admission date to the Multi-family property and document the notification in the tenant file.
2. **Admissions:** PHA is required to review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC (HIP) submission date.
3. **Historical Adjustment:** Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC (HIP) submission date.
4. **Annual Examination:** PHA is required to have the following reports in the family's file:
 - a. **No Dispute of EIV Information:** EIV Income Report, current acceptable tenant-provided documentation, and if necessary (as determined by the PHA), traditional third-party verification form(s).
 - b. **Disputed EIV Information:** EIV Income report, current acceptable tenant-provided documentation, and/or traditional third-party verification form(s) for disputed information.

Last modified: 15 April 2024

8.8. Verification of Citizenship or Eligible Non-Citizen Status

1. The citizenship/eligible noncitizen status of each family member regardless of age must be determined.
2. Prior to being admitted all citizens and nationals will be required to sign a declaration under penalty of perjury. (A parent or guardian will sign on behalf of minors.) They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.
3. Prior to being admitted all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.
4. Prior to being admitted all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. (A parent or guardian will sign

on behalf of minors.) PHA will make a copy of the individual's INS documentation and place the copy in the file. PHA will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility; PHA will mail information to the INS in order that a manual check can be made of INS records.

5. Family members who do not claim to be citizens, nationals, or eligible non-citizens must be listed on a statement of non-eligible members and the head of the household must sign the list.
6. Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to Public Housing.
7. Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.
8. If no family member is determined to be eligible under this section, the family's eligibility will be denied.
9. The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.
10. If PHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Public Housing unit, the family will be evicted. Such family will not be eligible to be readmitted to Public Housing for a period of 24 months from the date of eviction or termination.

Last modified: 15 April 2024

8.9. Asset Verification

PHA will determine the net assets of a family based on a certification by the family that the net family assets do not exceed \$50,000, which amount will be adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

PHA will obtain verification of net family assets every three years regardless of net asset value.

PHA must verify all assets in excess of \$50,000.

Last modified: 15 April 2024

8.10. Verification of Social Security Numbers

Prior to admission, each household member who is at least six (6) years of age must provide verification of his or her social security number. Verification of social security numbers for all children under six (6) will be requested. Verification for social security cards for children in assisted households is required to be provided at the first regular reexamination after turning six (6).

Verification of the social security number is the original social security card. If the card is not available, PHA

will accept letters from the Social Security Administration that establish and state the number. Passports, or other official documents that establish and state the number, are also acceptable.

If a member of a household indicates that they have a social security number, but cannot verify it, they shall be asked to certify to this fact and shall have up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed the household will be denied assistance or will have their assistance terminated and be evicted from the Public Housing unit.

Last modified: 15 April 2024

8.11. Timing of Verification

Verification of information must be dated within 120 days of certification or reexamination.

Last modified: 15 April 2024

8.12. Frequency of Obtaining Verification

For each family member, citizenship/eligible noncitizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their citizenship/eligible noncitizen status will be verified.

1. For each household member, verification of social security number will be obtained only once. This verification will be obtained prior to admission. When a child turns six (6), their verification will be obtained at the next regular reexamination.
2. Family composition, annual household income, and other factors affecting tenant rent will be verified at least annually.
3. Determination of Total Tenant Payment (TTP) and Tenant Rent will be performed annually, and as requested or required for interim re-examinations.

Last modified: 15 April 2024

8.13. Over-Income Families

The Housing Opportunity Through Modernization Act (HOTMA) of 2016 placed an income limitation on public housing tenancies. The over-income requirement states that after a family's adjusted income has exceeded 120 percent of area median income (AMI) (or a different limitation established by the secretary) for two consecutive years, PHA must either terminate the family's tenancy within six months of the determination, or charge the family a monthly rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit, including amounts from the operating and capital funds, as determined by regulations.

Notice PIH 2019-11 also requires that PHAs publish over-income limits in their ACOP and update them no later than 60 days after HUD publishes new income limits each year. The over-income limit is calculated by multiplying the very low-income limit (VLI) by 2.4, as adjusted for family size.

1. PHA also has discretion, under 24 CFR 960.261, to adopt policies allowing termination of tenancy for families whose income exceeds the limit for program eligibility. Such policies would exempt families participating in the Family Self-Sufficiency (FSS) program or currently receiving the earned income disallowance.
2. PHA will publicly post the over-income limits in a conspicuous manner in PHA's main office.
3. PHA will charge families that exceed the applicable over-income limit for two or more years rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit.
4. PHA will not evict or terminate the tenancies of families whose income exceeds the income limit for program eligibility.
5. The over-income limits will be updated within 60 days of HUD publishing new income limits each year and will be effective for all annual and interim reexaminations once they have been approved. The Executive Director or his or her designee shall approve changes to the over-income limits.
6. At annual or interim reexamination, if a family's adjusted income exceeds the applicable over-income limit, PHA will document that fact in the family file and begin tracking the family's over-income status.
7. If one year after the applicable annual or interim reexamination the family's income continues to exceed the applicable over-income limit, PHA will notify the family in writing that their income has exceeded the over-income limit for one year, and that if the family continues to be over-income for twelve (12) more consecutive months, the family will be subject to PHA's over-income policies.
8. If two years after the applicable annual or interim reexamination the family's income continues to exceed the over-income limit, PHA will charge the family a rent that is the higher of the applicable fair market rent (FMR) or the amount of monthly subsidy for the unit. PHA will notify the family in writing of the new rent amount in accordance with the rent-change policies.
9. If at any time an over-income family experiences a decrease in income, the family may request an interim redetermination of rent in accordance with PHA policy. If as a result the previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the recertification. PHA will notify the family in writing that over-income policies no longer apply to them.
10. If the family's income later exceeds the over-income limit again, the family is entitled to a new two-year grace period.

Last modified: 15 April 2024

8.14. Current Fiscal Year Income Limits

The PHA will post the annual HUD published income limits, including the over-income limits in the designated area of the main office.

Last modified: 15 April 2024

9. Family Rent Choice

At admission and each year in preparation for their annual reexamination, each family is given the choice of having their rent determined under the income based formula method or having their rent set at the flat rent amount.

Last modified: 15 April 2024

9.1. Flat Rent Certification

At the annual review and move-in, families will be instructed to make their choice by comparing their current rent to the Flat Rent for their unit. Upon completion of the annual review process, PHA will compare the two rent calculations. If the choice the family made is not the most beneficial to them, PHA will contact the family to further discuss their choice.

Families who opt for the flat rent will be required to go through the income reexamination process at least once every three (3) years. PHA will renew the family's lease annually, but will only complete a full income re-examination once every three years.

In any year in which a family chooses the flat rent option but PHA chooses not to conduct a full examination of family income and composition for the annual rent option, PHA must:

1. Use income information from the examination of family income and composition from the first annual rent option;
2. Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition;
3. Inform the family of PHA's policies on switching rent types in circumstances of financial hardship; and
4. Apply the family's rent decision at the next lease renewal.

Last modified: 15 April 2024

9.2. Opting Out of Flat Rent Election

Families who opt for the flat rent may request to have a reexamination and return to the formula based method at any time for any of the following reasons:

1. The family's income has decreased or the family has experienced a hardship.
2. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.

Last modified: 15 April 2024

9.3. Income-Based Rent Certification

1. The Income-Based Rent Formula Method. The total tenant payment is equal to the highest of:
 - a. 10% of monthly income;
 - b. 30% of adjusted monthly income; or
 - c. \$25 minimum rent

Revision: 1 — Last modified: 15 April 2024

10. Rent Methods and Notices

Last modified: 15 April 2024

10.1. Minimum Rent

PHA has set the minimum rent at \$25.

Revision: 1 — Last modified: 15 April 2024

10.2. Minimum Rent Hardship Exemptions

However if the family requests a hardship exemption, PHA may suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature. PHA will notify all residents subject to minimum rents of their right to request a hardship exemption. Families whose request for hardship exemption are denied will be notified of their right to appeal.

A hardship may exist in the following circumstances:

1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program;
2. When the family would be evicted as a result of the imposition of the minimum rent requirement;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
5. When a death has occurred in the family.
6. No hardship: If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
7. Temporary hardship: If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. PHA will offer a repayment agreement for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
8. Long-term hardship: If PHA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
9. Appeals: The family may use the grievance procedure to appeal PHA's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure. [(24 CFR 5.630(b)(2)(v)(2)(C)(3)]

Last modified: 15 April 2024

10.3. Flat Rent

PHA has set a flat rent for each Public Housing unit which is set at 80% of the Fair Market Rent, published annually by HUD. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. PHA determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated annually and adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied annually for each affected family. PHA will post the flat rents in the main office. [(24 CFR 960.253 (b))]

Last modified: 15 April 2024

10.4. Rent for Families under the Non-Citizen Rule

A mixed family is a family whose members include both those with citizenship or eligible immigration status, as well as those without citizenship or eligible immigration status. A mixed family will receive full continuation of assistance if all of the following conditions are met:

1. The family's head or spouse has eligible immigration status; and
2. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.
3. If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. The maximum period of time for assistance under the provision is eighteen (18) months. PHA will grant each family a period of six (6) months to find suitable affordable housing. If the family cannot find suitable affordable housing, PHA will provide additional search periods up to the maximum time allowable.
4. Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

1. Determine the 95th percentile of gross rents for the appropriate size unit (tenant rent plus utility allowance) for PHA. The 95th percentile is called the maximum rent.
2. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
3. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
4. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

Last modified: 15 April 2024

10.5. Effective Date of Rent Changes for Annual Recertifications

The new rent will generally be effective upon the anniversary date with thirty-(30) days' notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

Revision: 1 — Last modified: 15 April 2024

10.6. Utility Allowance

PHA shall establish a utility allowance for all tenant-paid utilities (telephone, internet, and cable excluded). The allowance will be based on a reasonable consumption of utilities by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In setting the allowance, PHA will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc.). Allowances will be evaluated at least annually as well as any time utility rate changes by 10% or more since the last revision to the allowances.

1. The utility allowance will be subtracted from the family's formula or flat rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to PHA. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.
2. Utility allowance revisions based on rate changes shall be on the first day of the month following the month in which the last rate change took place. Revisions based on changes in consumption or other reasons shall become effective at each family's next annual reexamination.
3. Higher Utility Allowance as a reasonable accommodation for a person with disabilities. Upon request from a family that includes a person with disabilities, PHA will approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. This could include scenarios where a family may have a higher energy consumption due to auxiliary aids or other similar scenarios.

Last modified: 15 April 2024

10.7. Paying Rent

Rent is due on or before the first (1st) day of each month and is delinquent after the fifth (5th) working day of the month. In addition, a \$10.00 late charge will be assessed to the tenant. All payments received after 5:00 P.M. shall be dated the next work day, but for delinquency purposes they will have the actual payment date noted on the receipt.

Maintenance charges and all other charges are due the fifteenth (15th) day after notification of the charge (i.e., Work Order copy, letter, etc.). Maintenance charges and other charges, not otherwise mentioned in this policy, appearing on rental accounts are due the fifteenth (15th) day following written notification of the charge.

All payments received shall be applied to the oldest debt first, unless some charges are currently contested under a written grievance.

No amount shall be considered too small to issue an eviction warrant.

Management reserves the right to waive late charges or to accept payments after the delinquency date as determined on a case-by-case basis.

Revision: 2 — Last modified: 15 April 2024

10.7.1. Payment Location and Methods

Rent and other charges are due and payable on the first day of the month. All rents should be paid at PHA office in person or by mail. Cash is not accepted.

Last modified: 15 April 2024

10.7.2. Late Fees

If the rent is not paid by the fifth (5th) of the month, the rent is considered delinquent and a late charge \$10.00 shall be charged to the tenant.

Revision: 2 — Last modified: 15 April 2024

10.7.3. NSF Checks

If rent is paid by a personal check and the check is returned for insufficient funds, this shall be considered a non-payment of rent and will incur a service charge in the amount the bank charges the PHA. The CHA reserves the right to refuse to accept further personal checks from the Resident after one personal check has been returned as a result of insufficient funds.

Revision: 1 — Last modified: 15 April 2024

10.8. Utility Reimbursement

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the Total Tenant Payment (TTP).

The PHA will make the utility reimbursements directly to the tenant.

Last modified: 15 April 2024

10.9. Eviction Proceedings For Non-Payment of Rent

Any household who has failed to pay their rent or other fees by the tenth (10th) of any month may, be issued a 30-day notice of termination of their lease. This notice of termination shall serve as a legal termination of the tenant's lease, and if the resident has not cured the balance at the end of the 14-day period outlined in the notice of termination, then PHA may proceed to eviction proceedings and seek to take possession of the unit.

PHA may not evict a family for non-payment of minimum rent during a 90-day period beginning the month following a family's request for a hardship exemption.

Last modified: 15 April 2024

11. Community Service Requirement

All Public Housing residents 18 years of age or older, unless exempt, must perform eight (8) hours of community service per month. Community service is defined as the performance of voluntary work or duties that are a public benefit, and serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not defined as employment and may not include political activities.

Last modified: 15 April 2024

11.1. Persons Exempt From Community Service Requirements

An exemption from the community service requirement will be made for any adult who:

1. Is 62 years of age or older;
2. Is a blind or disabled individual who certifies that because of this disability, she/he is unable to comply with the service provisions or .
3. Is a primary caretaker of such an individual, or
4. Is engaged in work activities; The PHA defines “work activities” as working at least 8 hours per month or maintaining full-time student status. Eligible “work activities” are:
 - a. Employment
 - b. On-the-job training;
 - c. Job search and job readiness assistance; (Resident Opportunity and Self Sufficiency program (ROSS), vocational rehabilitation, Promise Jobs, etc.)
 - d. Community service programs;
 - e. Job skills training directly related to employment;
 - f. Education directly related to employment, in the case of a tenant who has not received a high school diploma or a certificate of high school equivalency;
 - g. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a tenant who has not completed secondary school or received such a certificate; and
 - h. The provision of childcare services to an individual who is participating in a community service program.
5. Meets the work requirements for being exempt from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq) or under any other welfare program of the State in which PHA is located, including a State-administered welfare-to-work program; or
6. Is a member of a family who is receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which PHA is located, including a State-administered welfare-to-work (Promise Jobs) program, and has not been found by the State or other administering entity to be in noncompliance with such a program.

Last modified: 15 April 2024

11.2. Community Service General Requirements

Except for any family member who is an exempt individual, each adult tenant of Public Housing must:

1. Provide eight (8) hours of community services per month (excluding political activities); or
2. Participate in an economic self-sufficiency program for eight (8) hours per month; or
3. Complete eight (8) hours per month of combined activities as indicated in (1) and (2) of this section.
4. PHA's Public Housing lease specifies that it shall be renewed automatically for all purposes, unless the family fails to comply with the service requirement. Violation of the service requirement is grounds for non-renewal of the lease at the end of the twelve (12) month lease term, but not for termination of tenancy during the course of the twelve-month lease term.

Last modified: 15 April 2024

11.3. Administration of the Service Requirement

At the first annual reexamination on or after October 1, 2000, and each annual reexamination thereafter, the Housing Authority will do the following:

1. Provide written information to each family explaining the Community Service requirement and providing the family the opportunity to claim an exemption.
2. Review all claimed exemptions, and supporting documentation, and approve or deny exemption requests.
3. For those required to perform Community Service:
 - a. Provide the opportunity to identify any current activities they are already engaged in that may qualify as Community Service or economic self-sufficiency activities;
 - b. Provide additional written guidance on lists of acceptable activities along with ways to contact various groups for potential volunteer opportunities;
4. Provide a timesheet/certification form to the family members, with instructions indicating how the form is to be completed and how it needs to be signed by a third party supervisor. This documentation will be used by the Housing Authority to verify their compliance with Community Service requirements.
5. Where necessary, refer family members to a coordinator who will assist the family members in identifying appropriate volunteer positions and in meeting their responsibilities.
6. At least thirty (30) days before the families next lease anniversary date, the Housing Authority will review the family's hours and verifications and make a determination as to whether the family is in compliance with the Community Service requirement. Time sheets/ certification forms verifying hours must be signed by third parties representing entities for which the community service has been provided. Self-certification will not be acceptable. At this time, the family will also be provided the opportunity to claim any change in their exemption status.

Last modified: 15 April 2024

11.3.1. Verification of Exempt Status

PHA will verify the status of all tenants claiming an exemption from community service requirement.

1. All exemptions will be confirmed by 3rd party verifications except for blind/disabled tenants claiming an exemption.
2. Blind/disabled tenants claiming an exemption will be provided with a Self-Certification form allowing the tenant to provide an explanation as to why they are unable to complete the requirement. PHA will review the Self-Certification and make the final determination of exempt status.
3. Except in the case of an adult who is 62 years of age or older, the exempt status will be re-verified annually and may be changed at any time based on a change in the tenant's circumstance.
4. Tenants are required to report all changes in income, assets, family composition, and allowances. A resident's community service requirement will be based on the months of the non-exempt status and may be pro-rated.

Last modified: 15 April 2024

11.3.2. Tracking of Eligible Community Service Activities

PHA will provide a Community Service Tracking sheet to each non-exempt Public Housing tenant.

1. The tenant will be required to maintain the sheet, securing the signature of a supervisor at the agency in which community service is performed.
2. The tenant will be required to submit the Community Service Tracking Sheet to PHA with the annual recertification packet.
3. All entries will be reviewed and verification of family compliance will be secured from such third parties.

Last modified: 15 April 2024

11.4. PHA Responsibilities

PHA will provide a written description of the service requirements and the process for claiming status as an exempt person to each adult Public Housing tenant. The description will include PHA process for verification of such status. PHA will also notify the family of its determination, identifying the family members who are subject to the service requirement and the family members who are exempt persons.

1. PHA will verify compliance annually, at least 30-days before the end of the twelve (12) month lease.
2. PHA must retain reasonable documentation of service requirement performance or exemption in participant files.
3. PHA must comply with non-discrimination and equal opportunity requirements.

Last modified: 15 April 2024

11.5. Assuring Resident Compliance with Community Service Requirements

Last modified: 15 April 2024

11.5.1. Notice of Noncompliance with Community Service Requirements

If the PHA determines that there is a family member who is required to fulfill a service requirement, but who has violated this family obligation (noncompliant resident), PHA must notify the tenant of this determination.

PHA notice to the tenant must:

1. Briefly describe the non-compliance.
2. State that PHA will not renew the lease at the end of the twelve (12) month period unless:
 - a. Tenant and any other adult (non-compliant tenant) enter into a written agreement with PHA, in an effort to cure the non-compliance, and in fact cure such non-compliance in accordance to such agreement; or
 - b. The family provides written notice of assurance satisfactory to PHA that the tenant and non-compliant tenant are no longer living in the unit.
3. State that the tenant may request a right to an appeal through a grievance hearing within ten (10) calendar days of notifying the tenant of the decision not to renew and that the tenant may exercise any available judicial remedy to seek timely redress for PHA's non-renewal of the lease because of such determination.
4. Resident agreement to comply with service requirements. If the resident or another family member has violated the service requirement, PHA may not renew the lease upon expiration of the term unless:
 - a. The resident, and any other non-compliant tenant, enter into a written agreement with the PHA, in the form and manner required by PHA, to cure such noncompliance by completing the additional hours of community service or economic self-sufficiency activity needed to make up the total number of hours required over the twelve-month term of the new lease; and
 - b. All other members of the family who are subject to the service requirement are currently complying with the service requirement or are no longer residing in the unit.

Last modified: 15 April 2024

12. Annual Recertifications

At least annually, PHA will conduct a reexamination of family income and circumstances. PHA may require a tenant to have a re-exam in less than a 12 month period to conform to a schedule prepared by PHA for their particular unit. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family is housed in the correct unit size, adjustments to student status, citizenship status, community service, and other requirements.

Last modified: 15 April 2024

12.1. Annual Recertifications

The determination of eligibility and Total Tenant Payment (TTP) tenant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. HUD regulations specify:

1. The types and amounts of income from all family members that must be included in this calculation;
2. The allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the participant is responsible for paying.

Last modified: 15 April 2024

12.2. Recertification Notification Letter

PHA will send a notification letter to the family letting them know that it is time for their annual reexamination, and giving them the option of selecting either the flat rent or formula method. If the family thinks they may want to switch from a flat rent to a formula rent, they should request an appointment.

At the appointment, the family will make their final decision regarding which rent method they will choose. The letter also includes forms for the family to complete in preparation for their annual review. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

PHA will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will placed on the transfer list.

Last modified: 15 April 2024

12.2.1. Non-Response to Recertification Notice

If the family fails to respond to the initial letter, a second letter will be mailed. The second letter will advise of a new date by which the necessary forms must be completed and submitted, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to submit the necessary paperwork will result in PHA taking eviction actions against the family.

Last modified: 15 April 2024

12.3. Flat Rent Recertifications

Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.

The annual letter to flat rent payers regarding the reexamination process will state the following:

1. The amount of the flat rent.
2. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
3. Families who opt for the flat rent will be required to go through the income reexamination at their annual review.
4. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
 - a. The family's income has decreased.
 - b. The family's circumstances have changed increasing their expenses for childcare, medical care, etc.
 - c. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
5. The dates upon which PHA expects to review the amount of the flat rent, the approximate rent increase the family could expect, and the approximate date upon which a future rent increase could become effective.
6. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
7. A certification for the family to sign accepting or declining the flat rent.

Each year prior to their anniversary date, PHA will send a reexamination letter to the family offering the choice between a flat and a formula rent. The opportunity to select the flat rent is available only at this time. At that time, PHA may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with a PHA representative, they may make the selection on the form and return the form to PHA.

Last modified: 15 April 2024

12.4. Special Re-examinations

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (zero or nominal income families) or have a temporary decrease in income, PHA may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

Last modified: 15 April 2024

12.5. Income Determinations and Safe Harbor Verification

PHA will determine the income of the family for the previous 12-month period and use this amount as the household income for recertification and;

1. In determining the income of the family for the previous 12-month period, the PHA will take into consideration any redetermination of income during the previous 12-month period resulting from an interim recertification.
2. PHA will make adjustments to reflect current income if there was a change in income during the previous 12-month period that was not accounted for in a redetermination of income.

PHA will determine the family's income prior to the application of any deductions based on income determinations made within the previous 12-month period for purposes of the following means-tested (Safe Harbor) forms of Federal public assistance:

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low-Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition for Woman, Infants, and Children (42 U.S.C. 1786).
- Other programs administered by the Secretary.
- Other means-tested forms of Federal public assistance for which HUD has established a memorandum of understanding.
- Other Federal benefit determinations made by other means-tested Federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

When multiple verifications are provided from different or the same Safe Harbor programs, the verification with the most recent income determination will be utilized.

Safe Harbor verification will be obtained by means of third-party verification and will state the family size, and must be for the entire family (i.e., the family members listed in the documentation must match the family's composition in the assisted unit, except for household members) and must state the amount of the family's annual income.

Should a family dispute any Safe Harbor verification, third-party verification will be obtained/utilized by PHA for the annual recertification.

Last modified: 15 April 2024

12.6. De Minimis Errors

PHA will not be considered out of compliance with HUD requirements due to de minimis errors in calculating family income. A de minimis error is an error where the PHA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.

1. The PHA will take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent or family share as a result of the de minimis error in the income determination, but families will not be required to repay PHA in instances where PHAs miscalculated income resulting in a family being undercharged for rent or family share.
2. The PHA will conduct a retroactive certification to credit the family the amount that was overcharged, as applicable.

HUD may revise the amount of de minimis error through a rulemaking published in the Federal Register for public comment.

Last modified: 15 April 2024

12.7. Streamlined Recertifications for Fixed Income Families

Per 24 CFR 960.257, Public Housing Authorities may choose to offer a streamlined, triennial recertification option for families on fixed income sources. The Streamlined Verification Method for Fixed Income (such as Social Security and Pensions) has given PHAs the option to verify this income once every three years, and then apply COLA or other fixed percentage increases in years two and three. Owner/agents are not required to obtain third-party verification of fixed income in years two and three.

For purposes of this section, the term “fixed-income” includes income from:

1. Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
2. Federal, state, local, and private pension plans;
3. Other periodic payments received from annuities, insurance policies, retirement funds;
4. Disability or death benefits, and other similar types of periodic payments.

Method of streamlined income determination

A PHA using the streamlined income determination must adjust a family’s income according to the percentage of a family’s unadjusted income that is from fixed income:

1. When 90 percent or more of a family’s unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA or COLAs to the family’s sources of fixed income, provided that the family certifies both that 90 percent or more of their unadjusted income is

fixed income and that their sources of fixed income have not changed from the previous year. For non-fixed income, the PHA is not required to make adjustments.

2. When less than 90 percent of a family's unadjusted income consists of fixed income, PHAs using streamlined income determinations must apply a COLA to each of the family's sources of fixed income individually.

COLA rate applied by PHAs

PHAs using streamlined income determinations must adjust a family's fixed income using a COLA or current interest rate that applies to each specific source of fixed income and is available from a public source or through tenant-provided, third-party-generated documentation. If no public verification or tenant-provided documentation is available, then the owner must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

Triennial verification

For any income determined pursuant to a streamlined income determination, a PHA must obtain third-party verification of all income amounts every 3 years.

The following procedures will be implement by PHA for households with fixed income sources:

1. Third party verification of the fixed income source will be obtained once every three years.
2. The amount on that third party verification will be used to create an annual recertification using COLAs to adjust the amount used on the previous recertification.
3. PHA must document how the determination of the family's "fixed income" status was arrived at and document the determination in the family's file.
4. Annually the family will need to sign an updated lease and consent forms, but will not need to submit to an interview or reporting of income. PHA will create a new 50058 for submission to HUD with the adjusted income.
5. Families may choose to re-certify annually or with interim recertifications at any time.
6. Families must report changes in household composition with interim recertification procedures listed herein.

Last modified: 15 April 2024

13. Interim Recertifications

Last modified: 15 April 2024

13.1. Income and Household Composition Changes

An interim recertification is an update between annual recertifications because of changes to household income or composition. Interim recertifications are intended to ensure that the family's rent is properly calculated and that the make-up of their family is properly recorded.

1. Interims will be conducted for all decreases in adjusted gross income when a family member permanently moves out of the unit.
2. Interims will be conducted when there is a change in household composition.
3. PHA will conduct an interim reexamination of family income when they become aware that the family's annual adjusted income has changed by an amount that would result in an estimated increase of ten percent or more in annual adjusted income or another amount established through a HUD notice. PHA will not consider any increases in earned income when estimating or calculating whether the family's adjusted income has increased unless the family has previously received an interim reduction during the same reexamination cycle.
4. Tenants must report all income changes timely (defined as within 10 days of the change) to the PHA to determine if the 10% threshold is met.
5. When an interim recertification occurs and is reported timely, the resident will receive a minimum of a 30-day notice prior to any rent increase.
6. When an interim recertification results in a rent decrease and is reported timely, the new rent will be effective the first day of the month following the change.
 - a. Retroactive interim recertifications will not be conducted unless an extenuating circumstance inhibited timely reporting (i.e., hospitalization, family emergency, etc.).
7. Households are not required to report for an interim recertification within 3 months of their annual recertification date.
8. Tenants will be provided a statement at annual recertification that they are required to report changes in adjusted gross income 10% or more per month and that failure to report such changes may result in their termination from the program.
9. For family composition changes due to birth, adoption or otherwise granted custody to the family by operation of law, or upon a family member moving out of the unit, the family must inform PHA in writing within thirty (30) calendar days.
10. Any other additions to the family must be requested in writing and approved by PHA prior to the family member being added to the family composition as further described under Changes in Family Composition.
11. Family members who turn 18 years of age between annual reexamination must sign Form HUD 9886 within 30 days of turning 18.

Last modified: 15 April 2024

13.2. Sporadic Income Households

Households who request more than one interim recertification per year due to a change in employment income will be evaluated to determine if the household can be determined to have sporadic or seasonal wages. If a household is determined to have sporadic or seasonal wages, then the total income established to determine the household's TTP will be established based on an average of the total household income for the past 12 months.

Last modified: 15 April 2024

13.3. Income Decrease – TANF

Rent will not be adjusted as a result of a family's income decreasing because of a reduction in Temporary Assistance to Needy Families (TANF) due to sanctioning by the welfare agency. The family is entitled to a hearing, should it wish to appeal such decision by PHA not to reduce the tenant portion of the rent.

Last modified: 15 April 2024

14. Zero and Nominal Income Households

At some point, a family may encounter income difficulties which leave them with no income source(s) at all, or an income source that is nominal compared to basic living expenses. One of the benefits of the public housing program is to give families the ability to have their tenant rent adjusted to meet these difficult times. However, PHA is required to verify how a family manages to pay other household expenses while their income is at zero dollars annually to prevent fraud and abuse and ensure that families are paying an accurate rent.

Last modified: 15 April 2024

14.1. New Zero or Nominal Income Reporting

Households who have previously received income and wish to report that their income has now switched to zero or nominal income levels will be asked to verify that the income change will last for more than 30 days, if the household cannot verify that the change will last for more than 30 days, a certification changing the TTP will not occur.

Last modified: 15 April 2024

14.2. Interim Reporting for Zero and Nominal Income Households

For households who certify that their total gross household income is either \$0.00 annually or less than \$100 per month (or \$1200 annually), then the household will be required to submit to an interim certification every 90 days until they have restored income above the nominal level. At the time of these interim and annual certifications of households who claim zero or nominal income, the household will be asked to explain how they are able to pay for any and all standard household expenses; any contributions from persons or organizations outside the household will be considered income to the household and will be used to establish the household total tenant payment amount. This can include any cash contributions to pay for household expenses such as cable television, telephone service, clothing, and other personal expenses. Funds received to pay for these expenses should be considered gift income. Gift income will be added to the family's income reporting used to determine tenant rent.

Last modified: 15 April 2024

14.3. Discrepancies in Zero Income Reporting

Any discrepancies discovered in the household income due to misreporting on the part of the tenant will result in the tenant being charged back in full for any month that their income was not properly represented. If a household refuses to complete the form, their lease will not be renewed upon expiration, then PHA will seek to terminate the household's lease and occupancy.

Last modified: 15 April 2024

14.4. Restrictions on Zero Income for More than 6 Months

If the household has an income of \$0.00 total for a period of six months and cannot account for how their household expenses are paid, then PHA will seek to terminate the household's lease and occupancy.

Last modified: 15 April 2024

15. Unit Transfers

The dwelling lease states that the Resident agrees that if the Authority determines that the size or design of the dwelling unit is no longer appropriate to Tenant's needs, the Authority shall send Tenant written notice and may require that the family relocate to another unit of an appropriate size. PHA's determination of a correctly sized unit shall be in accordance with HUD's Occupancy Standards. Tenant further agrees to accept a new lease for a different dwelling unit of the appropriate size or design. The Authority may require a Resident to move into another unit if it is determined necessary to rehabilitate or demolish Residents unit.

1. If a Tenant makes a written request for special unit features (reasonable accommodation) in support of a documented disability or handicap, the Authority may modify Tenant's existing unit. If the cost and extent of the modifications needed are similar to those required for a fully accessible unit, PHA may transfer the Resident to another unit with the features.
2. A tenant without disabilities who is housed in a unit with special features may be required to transfer to a unit without such features should a Tenant with disabilities need the unit.
3. In the case of involuntary transfers, the Resident shall be required to move into the dwelling unit made available by the Authority. The Resident shall be given 10 days' time in which to move following delivery of a transfer notice. If Tenant refuses to move, PHA may terminate the Lease.
4. Involuntary transfers are subject to the Administrative Grievance Procedure, and no such transfers may be made until either the time to request a grievance has expired or the procedure has been completed. PHA will consider any Resident requests for transfers in accordance with the transfer priorities established in the Admissions and Occupancy Policies.

Last modified: 15 April 2024

15.1. Objectives of the Transfer Policy

The objectives of the Transfer Policy include the following:

1. To address emergency situations.
2. To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit.
3. To facilitate relocation when required for modernization or other management purposes.
4. To facilitate relocation of families with inadequate housing accommodations.
5. To eliminate vacancy loss and other expense due to unnecessary transfers.

Last modified: 15 April 2024

15.2. Categories of Transfers

1. Emergency transfers. These transfers are necessary when conditions pose an immediate threat to the life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which it is located, fire or water damage, the health condition of a family member, a hate crime, the safety of witnesses to a crime, or a law enforcement matter particular to the

neighborhood.

- a. Residents who are not in good standing may still request an emergency transfer and/or a transfer under VAWA. In order to request the emergency transfer, the requestor must submit an Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (form HUD-5383). On a case-by-case basis, the PHA may waive this requirement to expedite the transfer process.
 - b. Costs of a VAWA Transfer: The resident bears the cost of transferring to another unit; however, on a case-by-case basis, PHA may agree to pay for the costs of the transfer if the tenant cannot afford the transfer costs. PHA may choose to charge the resident for the transfer costs under a repayment agreement.
2. Immediate administrative transfers. These transfers are necessary in order to permit families needing accessible features to move to a unit with such a feature or to enable modernization work to proceed.
 3. Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Ashtabula Housing Authority occupancy goals, to correct occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers and other transfers approved by PHA when a transfer is the only or best way of solving a serious problem.
 - a. Incentive-Based Transfers – PHA will offer residents who have two years of excellent tenancy the ability to have their names added to a site’s transfer list for an elective administrative transfer. Excellent tenancy shall be defined as:
 - i. 24 months of consecutive on-time rent payments,
 - ii. 24 months of passed housekeeping and annual unit inspections, and
 - iii. working income sufficient to cover the cost of a family move.
 4. Single persons, elderly, and disabled residents who occupy a one-bedroom unit will not be required to transfer to a studio unit.
 5. Transfers to Make Accessible Unit Available. When a family is initially given an accessible unit but does not require the accessible features, PHA requires that the tenant agrees to move to a non-accessible unit when one becomes available, and there is an applicant on the waitlist who requires the accessible design features. PHA will require that the resident sign an addendum to the lease agreeing to relocate to another if the need arises to utilize the accessible unit for an applicant or another resident in PHA’s public housing program.

Last modified: 15 April 2024

15.3. Documentation Required for Transfers

When the transfer is at the request of the family, the family may be required to provide third party verification of the need for the transfer. If the transfer is part of a reasonable accommodation, the documentation will follow the standards in the reasonable accommodation policy.

Last modified: 15 April 2024

15.4. Cost of the Family's Move

The cost of the transfer will be borne by the family in the following circumstances:

1. When the transfer is made at the request of the family or by others on behalf of the family (i.e. by social services);
2. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
3. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
4. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.
5. The cost of the transfer will be borne by PHA in the following circumstances:
 - a. When the transfer is needed in order to carry out rehabilitation activities; or
 - b. When action or inaction by PHA has caused the unit to be unsafe or inhabitable; or
 - c. When the transfer is requested as part of a domestic violence issue.
6. The responsibility for moving costs in other circumstances will be determined on a case by case basis.

Last modified: 15 April 2024

15.5. Transfers for Residents in Good Standing

The approval of any transfer request is contingent upon the resident being in good standing with PHA. This means the family must be in compliance with their lease, current in all payments to PHA, and must pass a housekeeping inspection. Emergency and VAWA transfers may be approved if the family is not in good standing; these approvals will be at the discretion of PHA and made on a case by case basis.

Last modified: 15 April 2024

15.6. Transfer Requests

A resident may request a transfer in writing at any time. In considering the request, PHA may request a meeting with the tenant to understand the need for transfer better and to explore possible alternatives. PHA will review the request in a timely manner, and if a meeting is desired, it shall contact the tenant within ten (10) calendar days of receipt of the request to schedule a meeting.

PHA will grant or deny the transfer request in writing within ten (10) calendar days of receiving the request or holding the meeting, whichever is later unless the transfer reason becomes a reasonable accommodation and additional verification is required. If the transfer is approved, the family's name will be added to the transfer waiting list. If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure. Upon transfer, the household is not eligible for consideration of another non-

emergency transfer for at least one year.

Last modified: 15 April 2024

15.7. Rights of the PHA in the Transfer Policy

The provisions listed above are to be used as a guide to ensure fair and impartial means of assigning units for transfers. It is not intended that this policy will create a property right or any other type of right for a resident to transfer or refuse to transfer.

Last modified: 15 April 2024

15.8. Priorities for Transfer

All transfers for medical reasons, relocation to an appropriately sized unit, or initiated by PHA must be approved. Within the eligible types, transfers shall be performed according to the following priorities:

1. Emergency Transfers, including those related to VAWA;
2. PHA initiated transfers;
3. Transfers approved for medical reasons/reasonable accommodations;
4. Residents who are under-housed by one or more bedrooms as is consistent with NSPIRE protocol and Housing Code enforcement for applicable City and County codes;
5. Residents who are over-housed by one or more bedrooms and not over-housed by PHA to remedy vacancy rate.

PHA initiated transfers always have priority over new move-ins. Within each priority type, transfers will be ranked by date of the transfer request. In transfers requested by residents for approved health reasons or to move to a larger apartment, the transfer log date shall be that on which the changed family circumstances were verified by PHA. In the case of an involuntary transfer, the date will be that on which PHA verifies that the change occurred. PHA reserves the right to immediately deny transfer requests for any family who has misrepresented family circumstances or composition.

Last modified: 15 April 2024

15.9. Transfer Procedures

PHA staff shall:

1. Determine whether a vacancy is used for transfer or move-ins based on priorities and established ratios.
2. Coordinate actual transfers with other PHA staff.
3. Maintain transfer logs and records for audit.
4. Notify residents with pending transfers as their name approaches the top of the list.
5. Communicate with residents experiencing problems with transfers, with the goal of helping hardship

cases to find assistance.

6. Issue final offer of vacant apartment as soon as vacant apartment is identified.
7. Issue notice to transfer as soon as vacant apartment is available for occupancy. This notice will give the resident four (4) working days to complete transfer.
8. Process transfer documents.
9. Participate in planning and implementation of special transfer systems for modernization and other similar programs.
10. Inspect both apartments involved in the transfer. The resident will be charged for damages which are determined to be beyond normal wear and tear/resident abuse.
11. Only one offer of an apartment will be made to each resident being transferred. In the case of a family being transferred from a unit which is uninhabitable, incorrectly sized, or scheduled for major repairs, failure to accept the unit offered, or the second unit offered in the case of a transfer outside the neighborhood, will be grounds for termination of the lease.
12. When a person has requested a single-level apartment for approved medical reasons declines the offer of such an apartment, PHA is not obligated to make a second offer if the first is rejected by the family. PHA will notify the resident in such cases that PHA has discharged its obligations to the resident, that they remain in the apartment at their own risk, and that PHA assumes no liability for their condition.

Last modified: 15 April 2024

15.10. Right of PHA to Make Exceptions

This policy is to be used in part as a guide to ensure fair and impartial means of assigning units for transfer. It is not intended that this policy shall create a property right or any other type of right for the resident to transfer or refuse transfer. PHA reserves the right to make exceptions to this policy as circumstances require, consistent with applicable HUD regulations.

Last modified: 15 April 2024

16. Inspections

PHA is obligated by HUD regulations to maintain all parts of PHA's public housing program at decent, safe, and sanitary conditions at all times. These standards provide that units and common areas have components which are in working condition and free of hazards. In order to ensure ongoing compliance with these standards, PHA is committed to performing regular inspections of all dwelling units and common areas of the properties. These inspections will be used to identify issues and find ways to address issues and concerns of residents.

Last modified: 15 April 2024

16.1. Move In Inspections

An authorized representative of the PHA and an adult family member will inspect the premises prior to the commencement of occupancy. A move-in form indicating the condition of the premises will be made, all equipment will be provided, and the form will be signed by both parties, with a copy retained in the PHA file and a copy given to the family member. An authorized PHA representative will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made. The resident's security deposit can be used to offset any tenant-caused damages to the unit.

Last modified: 15 April 2024

16.2. Annual Inspections

PHA will inspect each Public Housing unit annually to ensure that each unit meets HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE). A copy of the annual inspection will be provided to the resident and placed in the resident's file. If the resident objects to the findings on the report, or to items that were not recorded; the resident can request that the inspection report be updated or request an informal hearing to discuss items recorded or not recorded on the annual inspection.

Work orders will be submitted and completed to correct any and all deficiencies. If any of the work is to be deferred due to budgetary concerns, the resident will be notified of the delay.

Last modified: 15 April 2024

16.3. Preventative Maintenance Inspections

This is generally conducted prior to the annual inspection. This inspection is intended to keep items in good repair. Preventative maintenance checks can include weatherization; the condition of the smoke detectors, water heaters, furnaces, automatic thermostats, and water temperatures; leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment. [(24 CFR 966.4 (j)(1))]

Last modified: 15 April 2024

16.4. Exterior Inspections

The PHA may periodically inspect the exterior of the dwelling and premises to ensure lease compliance. No advance notice of such inspections will be given.

Last modified: 15 April 2024

16.5. Special Inspections

A special inspection may be scheduled to enable HUD or others to inspect a sample of the housing stock maintained by the PHA.

Last modified: 15 April 2024

16.6. Housekeeping Inspections

Generally, at the time of annual reexamination, or at other times as necessary, the PHA will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition. Housekeeping inspections may be combined with an annual inspection.

Last modified: 15 April 2024

16.7. Notice of Inspections

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections, PHA will give the tenant at least 24 hours' written notice prior to performing the inspection, or entering the unit even if they are not present. [(24 CFR 966.4 (j)(1))]

Last modified: 15 April 2024

16.8. Emergency Inspections

If any employee and/or agent of the PHA has reason to believe that an emergency exists within the housing unit, the unit can be entered without prior notice. The person(s) who enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit. [(24 CFR 966.4 (j)(2))]

Last modified: 15 April 2024

16.9. Pre Move Out Inspections

When a tenant gives notice that they intend to move, the PHA will offer to schedule a pre-move-out

inspection with the family. The inspection allows PHA to help the family identify any problems which, if left uncorrected, could lead to charges. This inspection is a courtesy to the family and has been found to be helpful both in reducing costs to the family and in enabling the PHA to ready units more quickly for future occupants [(24 CFR 966.4 (h)(4)(I))]

Last modified: 15 April 2024

16.10. Move Out Inspections

The PHA conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit. [(24 CFR 966.4 (h)(4)(I))]

Last modified: 15 April 2024

16.11. Charges for Damages

Residents are required to maintain their units properly and avoid damage beyond normal wear and tear. During any inspection, if PHA identifies resident-caused damage, the repairs will be billed to the resident. Charges to the resident for repairs to damage above and beyond normal wear and will be billed to the resident/family at actual cost; no charges will be marked-up. Charges for repairs are not designed to be punitive, only to recapture expenses for un-budgeted repairs.

The family will be notified in writing of the decision to charge the family for damages and will detail what issues are being charged to them and the justification for the decision. The family may request an informal hearing to dispute the decision. The family may also request permission to make the repairs themselves. Any family agreeing to perform their own repairs will be notified that if the repairs are not done properly, the PHA will then correct the issues, and the family will be charged for the repairs. [(24 CFR 5.705 (a))]

Revision: 1 — Last modified: 15 April 2024

17. Pet Policy

The purpose of the Pet Policy (hereinafter “policy”) is to establish rules and guidelines regulating the keeping of “common household pets” in the PHA. Management must approve of any pet except for caged birds and fish. A service animal which is specially trained to assist an individual with a disability in specific activities of daily living (for example, a dog guiding individuals with impaired vision or alerting individuals with impaired hearing) is not considered a pet for which permission to keep is required. When it is kept in a safe and sanitary manner by an individual with a disability to whom the animal gives necessary assistance in activities of daily living, a service animal shall be considered a pet in computing the number of pets kept. For this policy an example of a “common household pet” includes domesticated animals such as dogs, cats, birds, hamsters, gerbils, fish, or turtles. A monkey or snake is an example of an animal that is not a “common household pet” (hereinafter “pet”). This policy provides that the PHA will not prohibit an elderly or disabled resident from owning and/or keeping a common household pet in their dwelling unit.

Last modified: 15 April 2024

17.1. Pet Policy Exclusions

PHA only allows pets on properties that have been registered with PHA; no visiting pets will be allowed on any PHA property. PHA only permits one domesticated cat per unit and small pets (e.g. pets kept in cages/ aquariums such as hamsters, turtles, birds, and fish). [(24 CFR 5.303 (a))]

Please see current pet policy posted in main office for additional exclusions.

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals that have current rabies and distemper inoculations and a current license are allowed in all Public Housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner and to refrain from disturbing their neighbors.

Last modified: 15 April 2024

17.2. Pet Permits

Application for a PHA Pet Permit, prior to housing any pet on the premises, the resident shall apply to the PHA for a pet permit. When the permit is returned, it shall be accompanied by the following:

1. Evidence that the pet has been spayed or neutered, and, with respect to cats.
2. Evidence that the pet has received current rabies and distemper inoculations or boosters by a licensed veterinarian. (This information must be updated annually, and the PHA in its sole discretion, shall determine the adequacy of the evidence.).
3. Picture of pet.
4. Tenants must identify in writing the name, address, and phone number of an alternate custodian for pets in the event of tenant illness or other absence from the dwelling unit. The identification of an alternate custodian must occur prior to PHA issuing a pet registration permit.

5. The privilege of maintaining a pet in a facility owned and/or operated by PHA shall be subject to the rules set forth in this policy. This privilege may be revoked at any time subject to PHA Administrative Hearing if the animal should become destructive, create a nuisance, represent a threat to the safety and security of other residents, or create a problem in the area of cleanliness and sanitation.

Last modified: 15 April 2024

17.3. Approval of Pet Applications

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must apply for a pet permit, which must be fully completed before the PHA considers the request's approval.

Last modified: 15 April 2024

17.4. Types and Numbers of Pets

All tenants with pets permitted to be kept on the premises shall comply with the following rules:

1. Dogs must not exceed twenty-four pounds (24) in weight or twenty four (24) inches in height. The owner will have to certify that the pet is either housebroken or paper trained and must show evidence the dog is currently licensed and inoculated under prevailing local regulations. No more than one dog per household will be permitted and must be kept on a leash when not in the unit. No dog is permitted to be tied outside and left unattended. The dog must also be spade or neutered. Absolutely no Pit Bulls, Rottweiler's, Dobermans or German shepherds will be allowed.
2. All cats must be neutered or spayed.
3. In the case of fish, the maximum aquarium size is twenty (20) gallons. No more that one aquarium allowed.
4. Birds must be confined to a cage, and there is s a limit of two.
5. Hamsters, Gerbils – one per household maximum. Must be caged.
6. No reptiles are allowed, with the exception of turtles.
7. Any animal deemed to be potentially harmful to the health or safety of others, including attack or fight-trained dogs, will not be allowed.
8. Residents are prohibited from feeding or harboring stray animals. The feeding of stray animals shall constitute having a pet without the written permission of the PHA and is a violation of the Dwelling Lease.

Last modified: 15 April 2024

17.5. Pet Deposit

A nonrefundable pet deposit of \$200 is required at the time of registering a pet. The deposit is refundable after the family vacates the unit, (even if the pet is removed earlier) less any amounts owed due to damage beyond normal wear and tear.

Last modified: 15 April 2024

17.6. Financial Obligations of Residents

Any resident who owns or keeps a pet in their dwelling unit will be required to pay for any damages caused by the pet. Also, any pet-related insect infestation in the pet owner's unit will be the financial responsibility of the pet owner and PHA reserves the right to exterminate and charge the resident.

Last modified: 15 April 2024

17.7. Nuisance or Threat to Health or Safety

Tenants shall not permit their pet to disturb, interfere or diminish the peaceful enjoyment of other tenants. The term "disturb, interfere and diminish" shall include, but are not limited to: barking, howling, chirping, biting, scratching, and other similar activities. Vicious or aggressive pets will not be allowed.

Repeated substantiated complaints of this nature by neighbors or PHA personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, or other nuisance shall constitute a violation of the lease and may result in the revocation of the pet permit, termination of the Dwelling Lease agreement, or both.

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the owner's unit and surrounding areas. Tenant pet owners are solely responsible for the safety and health of their pet during those scheduled occasions when the dwelling units in the facility are being treated for de-infestation. PHA shall not be liable for the ill health or death of a pet as a result of the periodic de-infestation treatment.

Last modified: 15 April 2024

17.8. Designation of Pet Areas

Pets must be kept in the owner's apartment at all times. No outdoor cages may be constructed. Birds must be confined to a cage at all times. Pet owners must clean up after their pets and are responsible for disposing of pet waste. Residents shall take adequate precautions and measures necessary to eliminate pet odors within or around the unit and shall maintain the unit in a sanitary condition at all times. Residents must provide litter boxes for cat waste, which must be kept in the dwelling unit. Residents shall not permit refuse from litter boxes to accumulate nor to become unsightly or unsanitary. Tenants are solely responsible for cleaning up pet droppings, if any, outside the unit and on facility grounds.

Last modified: 15 April 2024

17.9. Visting Pets

Visiting Pets are not allowed on any PHA Property.

Last modified: 15 April 2024

17.10. Removal of Pets

PHA shall require the removal of any pet from a unit if the pet's conduct or condition is determined to be a nuisance or threat to the health or safety of other occupants of the unit or of other persons in the community where the unit is located.

1. If pets are left unattended for a period of twenty-four (24) hours or more, and the pet is deemed to be at-risk, malnourished, or a risk to others, PHA may enter the dwelling unit, remove the pet and transfer it to the proper authorities, subject to the provisions of state law and pertinent local ordinances. The PHA accepts no responsibility for the animal under such circumstances.
2. In the event of the death of a pet, the tenants shall immediately remove and properly dispose of the remains. The remains shall not be placed in any container inside a PHA facility or in a container on any PHA grounds. If a new pet is desired, a new PHA pet permit will be required.

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18. Occupancy Rules

The following general rules are compiled herein for the benefit of all PHA public housing residents but shall apply to all residents, including authorized family/household members, guests, and invitees. These occupancy rules will be applied fairly and uniformly to all residents.

Last modified: 15 April 2024

18.1. Businesses Operated Out of Dwelling Units

Prior to making a determination, the resident shall request PHA's permission in writing and include a complete outline of the proposed business's activities. When a resident desires to operate a legal profit-making business from the leased unit, PHA shall use the following factors in determining whether or not such activities are incidental to the primary use of the leased unit, including, but not limited to:

1. Local building health codes,
2. Requirements for a license or governmental approval;
3. Local zoning ordinances;
4. Any effect on the PHA's insurance coverage
5. Utility consumption;
6. Possible damage to the leased unit;
7. Estimated traffic and parking;
8. Disturbance of other residents;
9. Attraction of non-residents to the neighborhoods;
10. Legality of the business operations.

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19. Repayment Agreements

When a resident owes money to PHA for back charges and is unable to pay the balance by the due date, the resident may request that PHA allow them to enter into a repayment agreement. PHA has the sole discretion of whether to accept such an agreement. All Repayment Agreements must assure that the full payment is made within a period not to exceed twelve (12) months. All repayment agreements must be in writing and signed by both parties. Failure to comply with the Repayment Agreement terms may subject the Resident to eviction procedures and judicial collection of the amount owed.

1. PHA will allow for repayment agreements for those tenants whose rental amount is the minimum rent and who have had their rent abated for a temporary period.
2. Family Break-Ups: If there is a family break up and the initial household owes PHA a debt, all parties signed on the lease are jointly and severally liable for the debt. The responsible parties may not receive assistance in another assisted household until the debt is paid. This includes an individual being added as a live-in aide.
3. If PHA determines that the family committed fraud or was grossly irresponsible, PHA may require the family to repay the entire amount in full within 30 days or have its assistance terminated, since fraud or gross irresponsibility are considered a violation of a family obligation.
4. The decision whether to enter into a repayment agreement or not is always at the discretion of PHA. In no case does PHA have an obligation to enter into a repayment agreement. If the family's assistance is terminated and repayment has not been made, the money will still be considered to be owed and PHA may take action to collect the amounts owed.

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20. Termination

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20.1. Termination by Resident

The resident may terminate the lease at any time after the expiration of the initial lease term by submitting a 30-day written notice. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first.

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20.2. Termination by PHA

The Housing Authority may terminate the lease at any time for serious or repeated violations of the Dwelling Lease. Termination of Tenant's occupancy due to lease violations will be carried out in accordance with provisions contained in the Dwelling Lease as well as the Housing Authority's Grievance Procedure. Such violations include, but are not limited to the following:

1. Engaging in or threatening abusive or violent behavior towards any Housing Authority staff, contractors, or residents, including any harassment in violation of the Fair Housing Act or any other civil or criminal code.
2. Nonpayment of rent or other charges.
3. Failure to sign and submit consent forms for obtaining information as required by program regulations.
4. Failure to provide timely and accurate information regarding family composition, income, or other information related to eligibility or rent, including failure to receive Housing Authority approval before adding any other person as a member of the household.
5. Failure to properly report to the Housing Authority a letter or notice received from HUD (or to respond to Housing Authority contact) as part of HUD's Computer Income Matching program within the time limits specified by the notice/letter and/or subsequent failure to provide verification necessary to explain any income discrepancy.
6. Failure to allow inspection and/or repairs of the dwelling unit (after receiving reasonable notice).
7. Failure to maintain the unit in a safe and sanitary manner, including Life-Threatening deficiencies not cured within 72 hours for notice. This will result in a 3-day termination of tenancy notice.
8. Assignment or subletting of the premises or being absent from the unit in violation of the Housing Authority's policy.
9. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses which are incidental to the primary use of the unit for residence by members of the family), or failure to ensure that the unit is the family's only residence.
10. Engaging in a pattern of disturbance of neighbors.
11. Abuse of alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
12. Engaging in a pattern of destruction of property, or living or housekeeping habits resulting in damage

to the unit or premises.

13. Engaging in acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts#. Any criminal activity by any household member, guest, or other person under tenant's control, including criminal activity that threatens the health, safety, or right to personal enjoyment of the public housing premises by other residents or employees, or any drug-related criminal activity on or off the premises.
14. Commitment of fraud, bribery or any other corruption in connection with the housing program, including the intentional misrepresentation of information related to housing benefits
15. Non-compliance with the Non-Citizen Rule requirements.
16. Permitting persons not on the lease to reside in the unit more than fourteen (14) days in a three-month period each without the prior written approval of the Housing Authority.
17. Failure to be in compliance with the Community Service Requirement or an approved Agreement to Cure.
18. Failure to abide by non-smoking or smoke-free policies established at designated buildings.
19. Other good cause.

PHA will retain tenant family file for a minimum of three years after move-out, resident death, or when the resident stops receiving assistance.

Last modified: 15 April 2024

20.2.1. Abandonment

The PHA will consider a unit to be abandoned when a tenant has both fallen behind in rent AND has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a Housing Authority representative may enter the unit and remove any abandoned property. It will be stored in a reasonably secure place. A notice will be mailed to the tenant stating where the property is being stored and when it will be sold. If the Housing Authority does not have a new address for the tenant, the notice will be mailed to the unit address so it can be forwarded by the post office.

If the total value of the property is estimated at less than \$50.00, the Housing Authority will mail a notice of the sale or disposition to the tenant and then wait 30 days. Family pictures, keepsakes, and personal papers cannot be sold or disposed of until 30 days after the Housing Authority mails the notice of abandonment.

If the estimated value of the property is more than \$50.00, the PHA will mail a notice of the sale or disposition to the tenant and then wait 30 days before sale or disposition. Personal papers, family pictures, and keepsakes can be sold or disposed of at the same time as other property.

Any money raised by the sale of the property goes to cover money owed by the family to the Housing Authority such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known the Housing Authority will mail it to the family. If the family's address is not known, the Housing Authority will keep it for the tenant for 6 months. If it is not claimed within that time, it belongs to the Housing Authority.

Within 30 days of learning of abandonment, the Housing Authority will either return the deposit or provide a statement of why the deposit is being kept.

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20.2.2. Absence from Unit

It will be the policy of the Housing Authority that, in order to remain living in a public housing unit, a family is expected to reside continuously in the dwelling unit and may be absent only for brief periods. Absence means that no member of the family is residing in the unit. This policy will be enforced utilizing the following requirements:

1. The family must notify the Housing Authority of any absence from the dwelling unit including providing any information requested concerning the purpose of the family absences.
2. The Housing Authority may verify family occupancy in the unit, or absence from the unit, by such techniques as visits, calls or letters to landlords, neighbors, etc.
3. The following specific policies apply:
 - a. Absence from the dwelling unit due to incarceration after being convicted of a crime will result in the immediate termination of housing assistance.
 - b. Absence from the dwelling unit due to hospitalization or rehabilitation will be limited to a maximum period of (90) days in any twelve-month period (extensions due to unforeseeable circumstances regarding hospitalization or rehabilitation may be granted up to 30 additional days);
 - c. Absence from the dwelling unit due to vacations will be limited to a thirty day period in any twelve (12) month period;
 - d. Absence from the dwelling unit due to temporary relocation due to employment will be limited to ninety (90) days.
 - e. If a family is absent for longer than the maximum period permitted above, the family will be served with a Notice to Terminate Tenancy.

Last modified: 15 April 2024

21. Exhibit – Grievance Procedure

Revision: 2 — Last modified: 15 April 2024

22. Exhibit – Pet Policy

Revision: 1 — Last modified: 15 April 2024

23. Exhibit – Flat Rent

Revision: 1 — Last modified: 15 April 2024

24. Exhibit – Community Service

Revision: 1 — Last modified: 15 April 2024

25. Exhibit – Violence Against Women Act (VAWA) Policy

Revision: 1 — Last modified: 15 April 2024

26. Exhibit – Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Revision: 1 — Last modified: 15 April 2024

27. Exhibit – Non-Smoking Policy

Revision: 1 — Last modified: 15 April 2024