

**ADMISSIONS AND OCCUPANCY  
POLICY  
HOUSING AUTHORITY OF THE  
CITY OF  
FRISCO, TEXAS**

**Revised December 2019**

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# **Admissions and Occupancy Policy Housing Authority of the City of FRISCO, TEXAS**

## **I.PURPOSE**

This Policy is established in order that the Housing Authority of Frisco, Texas will meet its responsibilities pursuant to the United States Housing Act of 1937, as amended, Title VI of the Civil Rights Act of 1964 and all other civil rights requirements, regulations promulgated by the U. S. Department of Housing and Urban Development (HUD), the Annual Contributions Contract between the Housing Authority and HUD, and State and local laws, with respect to admission and occupancy of the Low Rent Public Housing Program.

This Policy governs admission and occupancy of Public Housing administered by the Housing Authority of Frisco, Texas hereafter called the PHA. It is the intent of the PHA to ensure decent, safe and sanitary housing for families of limited income in all Public Housing units owned or operated by the PHA under the United States Housing Act of 1937, as amended. It is the intent of the PHA to provide a suitable living environment which fosters economic and social diversity and upward mobility. The PHA will periodically review this Policy to assure compliance with housing legislation and civil rights requirements.

## **II. COMPLIANCE WITH CIVIL RIGHTS LAWS**

### **A. Complying with Civil Rights Laws**

1. Civil rights laws protect the rights of applicants and residents to equal treatment by the PHA in operating its programs. It is the policy of the PHA to comply with all Civil Rights laws now in effect and subsequently enacted, including but not limited to:
  - a. Title VI of the Civil Rights Act of 1964, which forbids discrimination on the basis of race, color, religion, national origin

or sex; **24 CFR 1 and 100**

- b. Title VIII of the Civil Rights Act of 1968 (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination; **24 CFR 100**
  - c. Executive Order 11063,
  - d. Section 504 of the Rehabilitation Act of 1973, which describes specific housing rights of persons with disabilities; **24 CFR 8**
  - e. Age Discrimination Act of 1975, which establishes certain rights of the elderly; **24 CFR 146**
  - f. Title II of the Americans with Disabilities Act, otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units.)
  - g. Any applicable State laws or local ordinances.
- 2. PHA shall not discriminate because of race, color, national origin, sex, religion, familial status, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities, including land that is part of a development under the PHA's jurisdiction covered by a public housing Annual Contributions Contract with HUD. **24 CFR 100**
  - 3. PHA shall not deny admission to otherwise qualified applicants because of their membership in some group to which negative behavior may be imputed (e.g., families with children born to unmarried parents or families whose head or spouse is a student). Instead, each applicant who is a member of a particular group will be treated as an individual based on his or her attributes and behavior. **24 CFR 960.203(a)**
  - 4. PHA will offer units only in the order prescribed by this policy, since any other method violates the rights of applicants.

## **B. Reasonable Accommodations**

- 1. PHA, as a public agency that provides low rent housing to eligible families, has a legal obligation to provide "reasonable accommodations" to applicants and residents if they or any family members have a disability. **24 CFR 8.4**

2. A reasonable accommodation is some modification or change PHA can make to its apartments, buildings, or methods and procedures that will assist an otherwise eligible applicant with a disability to take full advantage of and use PHA's programs, including those that are operated by other agencies in PHA-owned public space. **24 CFR 8.20**
3. An accommodation is not reasonable if it: **24 CFR 8.21(b) and 24 CFR 8.24(a)(2)**
  - a. Causes an undue financial and administrative burden; or
  - b. Represents a fundamental alteration in the nature of PHA's program.
4. Subject to the undue burdens and fundamental alterations tests, PHA will correct physical situations or procedures that create a barrier to equal housing opportunity for all. To permit people with disabilities to take full advantage of the PHA's housing program and non-housing programs, in accordance with Section 504 and the Fair Housing Amendments Act of 1988, PHA shall comply with all requirements and prohibitions in applicable law.
5. Facilities and programs used by applicants and residents shall be accessible to persons in wheelchairs, persons with sensory impairments and other persons with disabilities. Application and management offices, hearing rooms, community centers, day care centers, laundry facilities, craft and game rooms, etc. (to the extent that the PHA has such facilities) will be usable by residents with a full range of disabilities. If PHA offers such facilities, and none is accessible, some will be made so, subject to the undue financial and administrative burden test. **24 CFR 8.2**
6. Documents and procedures used by applicants and residents will be accessible for those with vision, hearing or other sensory impairments. Also, all documents will be written simply and clearly to enable applicants with learning or cognitive disabilities to understand as much as possible.
7. Examples of reasonable accommodations include, but are not limited to: **24 CFR 8.4**
  - a. Making alterations to a PHA apartment to make it fully accessible so it could be used by a person in a wheelchair;
  - b. Transferring a resident who needs a fully accessible unit from

an apartment that cannot be made accessible to an apartment that is accessible;

- c. Widening the door of a community room or public restroom so a person in a wheelchair may use the facility;
- d. Adding or altering apartment or building features so they may be used by a family member with a disability, including but not limited to:
  - 1) Installing strobe-type flashing light smoke detectors and flashing light/doorbell for a family with a hearing impaired member;
  - 2) Adding structural grab bars in the bathroom;
  - 3) Changing the doorknobs to lever-type door handles;
  - 4) Installing a magnifier over the thermostat;
  - 5) Switching the bathtub to a shower;
  - 6) Lowering the peephole on the door;
- e. Permitting a family to have a large dog to assist a family member with a disability in a PHA family development where the size of dogs is usually limited; **24 CFR 8.20**
- f. Making sure that PHA processes are understandable to applicants and residents with sensory or cognitive impairments, including but not limited to: **24 CFR 8.6**
  - 1) Permitting an applicant or resident to be accompanied or represented by a family member, friend or advocate at all meetings and interviews with PHA if the individual desires such representation.
  - 2) Permitting an outside agency or individual to assist an applicant with a disability to meet the PHA's applicant screening criteria.
- g. To meet the standard of HUD's definition of "Qualified Individual with a Disability" a family head or other member with a disability must still be able to meet essential obligations of tenancy. They must be able **24 CFR 8.3**

- 1) to pay rent and other charges (e.g. utility bills) as required by the Lease in a timely manner;
  - 2) to care for and avoid damaging the apartment and common areas; to use facilities and equipment in a reasonable way;
  - 3) to create no health, or safety hazards, and to report maintenance needs
  - 4) not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
  - 5) not to engage in prohibited criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
  - 6) to comply with necessary and reasonable rules and program requirements of HUD and the PHA.
  - 7) But there is no requirement that they be able to do these things without assistance.
- h.** If an applicant or resident family member needs assistance with one of the essential obligations of tenancy, PHA will, as a reasonable accommodation, make a referral to an individual or agency that can provide such assistance. **24 CFR 8.20**
- i.** If an applicant or resident receives a referral to an agency or individual who can assist the applicant or resident with complying with the essential obligations of tenancy, the applicant or resident is not obligated to accept the service, but if refusing service results in a Lease violation, PHA may terminate the Lease. **24 CFR 8.2**
- j.** An applicant or resident family with a member who has a disability and needs or wants a reasonable accommodation may request it at any time. **24 CFR 8.20**
- k.** If an applicant or resident would prefer not to discuss his/her disability with the PHA, that is his/her right.

### **C. Limited English Proficiency**

1. Applicants and residents with low English comprehension may furnish an interpreter to assist in communication with PHA. When an applicant or resident needs interpretation services and a staff member of the PHA speaks the language needed, the staff member will provide translation services.

### III. AFFIRMATIVE MARKETING

- A. It is the policy of the PHA to conduct outreach as needed to maintain an adequate application pool representative of the eligible population in the area. All marketing efforts will include outreach to those least likely to apply. **[24 CFR 960.103(b)]** Outreach efforts will take into consideration:
1. The number of vacant units
  2. Availability of units through turnover
  3. Waiting List Characteristics
- B. The PHA will periodically assess the factors in order to determine the need for and scope of any marketing efforts.
- C. All marketing and informational materials will:
1. Comply with the Fair Housing Act requirements with respect to the Equal Housing Opportunity logo and use of nondiscriminatory language **[24 CFR 109.30 (a)]**;
  2. Describe the housing units, application process, Waiting List, priority system and eligibility accurately;
  3. Will be in plain language and will use more than strictly English language print media;
  4. Will target all agencies that serve and advocate for potential applicants;
  5. Will make clear who is eligible: low income individuals and families; working and non-working people; as well as the elderly and disabled.
  6. Will make clear that it is the PHA's responsibility to provide reasonable accommodations to people with disabilities.

## IV. DEFINITIONS

### Accessible Dwelling Units

When used with respect to design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered or adapted can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in **24 CFR 8.32 and Section 40** (the Uniform Federal Accessibility Standards) is “accessible” within the meaning of this paragraph. When an individual unit in an existing facility is being made accessible for use by a specific individual, the unit will be deemed accessible when it meets the standards that address the impairment of that individual.

### Accessible Facility

All or any portion of a facility *other than* an individual dwelling unit used by individuals with physical handicaps **(24 CFR 8.21)**

### Accessible Route

Route for persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility. **(24 CFR 8.3 & 40.3.5)**

### Adaptability

Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability **(24 CFR 8.3 & 40.3.5)**

### Adjusted Income

Adjusted income (income upon which rent is based) means Annual Income less the following deductions and exemptions: **(24 CFR 5.611)**

#### ***Non-elderly/Non-disabled Families***

1. **Child Care Expenses:** a deduction of amounts anticipated to be paid by the family for the care of children under 13 for the period for which

Annual Income is computed. Allowed ONLY when such care is necessary to enable a family member to be gainfully employed, to actively seek employment or to further his/her education. Amounts deducted must be un-reimbursed expenses and shall not exceed:

- a. amount of employment income included in the PHA's computation of annual income
  - b. an amount determined to be reasonable by the PHA when the expense is incurred to permit education or to actively seek employment.
2. **Dependent Deduction:** an exemption of \$480 for each member of the family residing in the household (other than the head of household, or spouse, Live-In Aide, foster adult or foster child) who is under eighteen (18) years of age or who is eighteen (18) or older and disabled, handicapped or a full-time student.
  3. **Disability Assistance Expense Deduction:** (for families not considered a "disabled family" but which have a member, other than the head or spouse, who is disabled) a deduction of the cost of all un-reimbursed expenses for Disability Assistance less three percent (3%) of Annual Income, provided the amount so calculated does not exceed the employment income earned.

***For Elderly and Disabled Families Only (families whose head, co-head, spouse or sole member is elderly or disabled)***

1. **Elderly/Disabled Household Exemption:** An exemption of \$400 per household.
2. **Medical Deduction and/or Disability Assistance Expense Deduction (medical expenses of all family members counted)**
  - a. ***For Elderly /Disabled Families with Medical Expenses but without Disability Assistance Expenses:*** total un-reimbursed medical expenses less three percent (3%) of Annual Income.
  - b. ***For Elderly/Disabled Families with both Medical and Disability Assistance Expenses:***
    - 1) If total of all un-reimbursed disability assistance expense is equal to or greater than three percent (3%) of Annual Income, deduction equals the amount of Disability Expenses less 3% of Annual Income, PLUS actual un-reimbursed Medical Expense.

- 2) If total of all un-reimbursed Disability Assistance expense is less than 3% of Annual Income, then the deduction equals the amount by which the sum of Disability Assistance expenses plus Medical Expenses exceeds 3% of Annual Income.

## **Adult**

A person who is 18 years of age or older or who is a minor who has been emancipated or designated as “sui juris” under any Federal, State or tribal law.

## **Alteration**

Any change in a facility or its permanent fixtures or equipment. This does not include: normal maintenance or repairs, re-roofing, interior decoration or changes to the mechanical systems.

## **Annual Income**

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional adult family member. It includes all net income from assets for the 12-month period following the effective date of initial determination or re-examination of income.

### ***To annualize full-time employment, multiply as follows:***

- a. Hourly wages by 2080 hours
- b. Weekly wages by 52
- c. Bi-weekly wages by 26
- d. Semi-monthly wages by 24
- e. Monthly amount by 12

### ***Income includes but is not limited to: (24 CFR 5.609)***

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property;
4. If the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate as determined by HUD;
5. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts
6. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay
7. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
8. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and
9. All regular pay, special pay, and allowances of a family member in the Armed Forces.

***Excluded Income 24 CFR 5.609***

Annual Income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, one-time lottery winnings, and settlement for personal property losses (but see paragraphs 4 and 5 above if the payments are or will be periodic in nature);  
  
(See paragraph 14. below for treatment of delayed or deferred periodic payments of social security or supplemental security income benefits.)
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

5. Income of a live-in aide, provided the person meets the definition of a live-in aide;
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
  - a. Amounts received under HUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
  - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
  - d. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time; and
  - e. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members 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 a limited period as determined in advance by the PHA;
9. Temporary, non-recurring, or sporadic income (including gifts);
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of the household and spouse);
12. Adoption assistance payments in excess of \$480 per adopted child;
13. The incremental earnings and benefits to any resident 1) whose annual income increases due to employment of a family member who was

unemployed for one or more years previous to employment; or 2) whose annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or 3) whose annual income increases due to new employment or increased earnings of a family member during or within six months of receiving state-funded assistance, benefits or services, will not be increased during the exclusion period. For purposes of this paragraph, the following definitions apply:

a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.

b. During the 12 month period beginning when an EID qualified family member first qualifies for a disallowance, the PHA must exclude from Annual Income any increase in income as a result of employment. For the 12 months following the exclusion period, 50% of the income increase shall be excluded.

c. Regardless of how long it takes a resident to work for 12 months (to complete the first exclusion) or the second 12 months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 48 months.

14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
15. Deferred payments of VA disability benefits that are received in a lump sum payment;
16. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
17. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
18. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.)

The following is a list of benefits excluded by other Federal Statute:

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977; **7 USC 2017 (h)**
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973; **42 USC 5044 (g), 5088**

Examples of programs under this Act include but are not limited to:

The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;

National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;

Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).

- c. Payments received under the Alaska Native Claims Settlement Act; **43 USC.1626 (a)**
- d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes; **25 USC. 459e**
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; **42 USC 8624 (f)**
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act; **29 USC 1552 (b)**
- g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians; **P. L. 94-540, 90 State 2503-04**
- h. The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims **25 USC 1407-08**, or from funds held in trust for an Indian Tribe by the Secretary of Interior; and **25 USC 117b, 1407**
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. 20 USC 1087 uu

Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.

- j. Payments received from programs funded under Title V of the Older

Americans Act of 1965: **42 USC 3056 (f)**

Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayors, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

- k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
- l. Payments received under Maine Indian Claims Settlement Act of 1980; **P.L. 96-420,94 Stat. 1785**
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; 42 USC 9858q
- n. Earned income tax credit refund payments received on or after January 1, 1991 **26 USC 32 (j)**
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;
- q. Any allowance paid under the provisions of **38 U.S.C. 1805** to a child suffering from spina bifida who is the child of a Vietnam veteran;
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act; and
- s. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998.
- t. Exclusion of Tax Rebate from the IRS under Economic Stimulus Act
- u. Exclusion of Income earned under temporary employment with the Census Bureau;
- v. Kinship Guardian assistance payments and other guardianship care payments;

**Anticipated Annual Income**

If it is not feasible to anticipate income for a 12-month period, the PHA may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. This method would be used for teachers who are paid for only nine (9) months, or for residents receiving unemployment compensation.

### **Applicant**

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

### **Application**

A written form, to be signed and dated by an adult member of the family, which includes information the PHA needs to determine whether the family may be admitted in accordance with Section V of this Policy.

### **Area of Operation**

The municipality for which the authority is created and the area that is within five miles of the territorial boundaries of the municipality and is not within the territorial boundaries of another municipality. To operate in another jurisdiction requires a resolution from the governing body of that jurisdiction. (*Texas Local Government Code 392*)

### **Assets**

All cash as well as checking accounts, stocks, bonds, savings, equity if 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.

### **Auxiliary Aids**

Any services or devices that enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities. **(24 CFR 8.3)**

### **Care Attendant**

A person who regularly visits the unit of a PHA resident to provide supportive or medical services to this resident. Care attendants have their own place of residence (and if requested by the PHA, must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.

## **Child Care Expenses**

A deduction of amounts anticipated to be paid by the family for the care of children under 13 for the period for which Annual Income is computed. Allowed ONLY when such care is necessary to enable a family member to be gainfully employed, to actively seek employment or to further his/her education. Amounts deducted must be un-reimbursed expenses and shall not exceed:

1. The amount of employment income of the person who is enabled to work because of the child care.
2. An amount determined to be reasonable by the PHA when the expense is incurred to permit education or to actively seek employment. The PHA will use the average of rates obtained from four **(4)** local child care facilities to determine a reasonable maximum child care expense.

## **Co-head of Household**

A household member where two adult members are held responsible and accountable for the family.

## **Community Service**

The performance of voluntary work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Political activity is excluded.

## **Covered Family**

Family who receives welfare assistance or other public assistance from a state or other public agency under a program for which federal, state, or local law requires that a member of the family participate in an economic self-sufficiency program as a condition of such assistance.

## **Covered Person**

For purposes of screening and terminating tenancy for criminal activity, a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

## **Dependent**

A member of the household (other than head, spouse, sole member, foster child, foster adults, or Live-in Aide) who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full-time student. **(24 CFR 5.603)**

## **Designated Family**

The category of family for whom a housing authority elects (subject to HUD approval of an Allocation Plan) to designate a project (e.g., elderly family in a project designated for elderly families) in accordance with 1992 Housing Act, PL 96-120. **(24 CFR 945)**

## **Designated Housing**

A project(s) or portion of a project designated for elderly only or for disabled families only in accordance with PL 96-106. **(24 CFR 945)**

## **Disability Assistance Expense**

Amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member or family members, including the disabled person, to be employed. Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the handicapped or disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities. **(24 CFR 5.603)**

## **Disabled Family**

A family whose head, co-head, spouse or sole member is a person with disabilities. The term includes two or more persons with disabilities living together, and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. **(24 CFR 5.403)**

## **Disabled Person**

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act [U.S.C. 6001(7)], or has a disability as determined by HUD regulations at **24 CFR 5.403 and 8.3.**

1. **Section 223:** disability defined as inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months, or in the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in

substantial gainful activity requiring skills or ability comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.

2. **Section 102(7):** developmental disability defined as a severe chronic disability that:
  - a. is attributable to a mental or physical impairment or combination of the two
  - b. is manifested before the person attains age twenty-two (22)
  - c. is likely to continue indefinitely
  - d. results in substantial functional limitation in three or more of the following areas of major life activity: self care, receptive and responsive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency.
  - e. reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated.
3. A person having a physical, mental or emotional impairment that:
  - a. is expected to be of long, continued and indefinite duration
  - b. substantially impedes the person's ability to live independently
  - c. is of such a nature that such ability could be improved by more suitable housing conditions.
4. For purposes of qualifying for housing programs, the term does not include any individual whose disability is based solely on any drug or alcohol dependence.
5. Individual with handicaps, as defined in **24 CFR 8.3**, as follows: means 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 impairment. As used in this definition, the phrase:
  - (a) Physical or mental impairment includes:
    - (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
    - (2) Any mental or psychological disorder, such as mental

retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

- (3) The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.
  - (b) Major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
  - (c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
  - (d) Is regarded as having an impairment means:
    - (1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
    - (2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
    - (3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.
6. The definition of handicap in Section 504 of the Rehabilitation Act of 1973 does not include homosexuality, bisexuality, or transvestitism. *(These characteristics do not disqualify an otherwise disabled applicant/resident from being covered).*

### **Disallowance (Disregard)**

An exclusion from annual income for purposes of rent computation.

### **Displaced Person**

A person displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws.

## **Divestiture Income**

Imputed income from assets, including business assets, disposed of by applicant or resident in the last two (2) years at less than fair market value.

## **Domestic Violence**

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

## **Drug**

A controlled substance as defined in the Controlled Substances Act

## **Drug-related Criminal Activity**

The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use a drug. **(24 CFR 5.100)**

## **Due Process Determination**

A determination by HUD that specified procedures for judicial eviction under State and local law require that a tenant be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the unit. **(24 CFR 966.53)**

## **EID**

Earned Income Disallowance (Disregard)

## **Elderly Family**

A family whose head, co-head, spouse or sole member is at least 62 years of age. It may include two or more elderly persons living together, and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. **(24 CFR 5.403)**

## **Elderly Person**

A person who is at least 62 years of age (**24 CFR 5.100**)

### **Elements of Due Process**

The court procedures for eviction under State and local law require all of the following before eviction from a unit: (**24 CFR 966.53**)

1. the opportunity for a hearing on the existence of serious or repeated Lease violations or other good cause for eviction
2. advance notice of the hearing, and of the alleged reasons for eviction
3. hearing before an impartial party
4. the opportunity to be represented by counsel
5. the opportunity to present evidence and question witnesses
6. a decision on the reasons for eviction before the occupants are evicted

### **Eligibility Income**

This is the applicant's **Annual Income** amount. This figure is compared to the HUD-approved income limits (issued annually) to determine if an applicant family is eligible for admission.

### **Emancipated Minor**

A person under age 18 who does not live or intend to live with his/her parents, and who has been declared "emancipated" by a court of competent jurisdiction. An emancipated minor is eligible to be a head of household and sign a PHA lease.

### **Extremely Low Income Family**

A Family whose Annual Income is equal to or less than 30% of Area Median Income, adjusted for family size, as published by HUD.

### **Eviction**

Forcing the occupants to move out of the unit.

### **Family**

Two or more persons (with or without children) regularly living together, related

by blood, marriage, adoption, guardianship or operation of law who will live together in PHA housing; OR two or more persons who are not so related, but are regularly living together, can verify shared income or resources who will live together in PHA housing.

“Family” also includes: Elderly Family, Near Elderly Family, Disabled Family, Displaced Person, Single Person, the remaining member of a tenant family, a foster care arrangement, or a kinship care arrangement. Other persons, including members temporarily absent (e.g., a child temporarily placed in foster care or a student temporarily away at college), may be considered a part of the applicant family’s household if they are living or will live regularly with the family **(24 CFR 5.403)**

### **Family Self Sufficiency**

Any approved program established by the PHA to promote self-sufficiency among participating families, including the provision of supportive services, toward the goal of the families’ no longer needing public assistance.

### **Flat Rents**

Rents set by the PHA that are based on market rate rents and comparable to rents in the private sector for similar type and size units. Do not include an allowance for utilities.

### **Foster Child/Adult**

A child/adult placed in the care of a Foster Family by a licensed Child Placement Agency or Adult Placement Agency.

### **Fraud**

Fraud as defined under any Federal or State civil or criminal statute, or any other deliberate misrepresentation to this PHA by any member of an applicant or resident family. **(24 CFR 966.2)**

### **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 attended. Educational institutions include but are not limited to: colleges, universities, secondary schools, vocational schools or trade school **(24 CFR 5.603)**

### **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 the 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.

### **Hardship Waiver (Minimum Rent)**

A family may apply for a waiver of the minimum rent if one of the following situations occurs

1. Family has lost eligibility for or is awaiting approval of federal, state, or local assistance (includes family with member who is a noncitizen who is lawfully admitted for permanent residence)
2. Family's income has decreased because of changes in circumstances, including loss of employment
3. A family member has died

### **Hate Crimes**

Actual or threatened physical violence or intimidation of a recent or continuing nature that is directed against a person or his property that is based on the person's race, age, color, religion, sex, national origin, disability or familial status.

### **Head of Household**

Head of household is the family member (identified by the family) who is held responsible and accountable for the family.

### **Household**

The tenant and other persons who live in a unit with written approval of the PHA. **(24 CFR 966.2)**

### **Imputed Welfare Income**

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

### **Income - Adjusted**

See "Adjusted Income"

## **Income - Annual**

See “Annual Income”

## **Income - Eligibility**

See “Eligibility Income”

## **Income Limits**

The income limits for each county in the state are determined and published by HUD annually. Income limits are based on 30%, 50% and 80% of median for the area.

## **Income-Based Rent**

Total Tenant Payment that is based on the family’s income

## **Kinship Care**

An arrangement in which a relative or non-relative becomes the care giver for a child or children but is not the biological parent of the child or children. The primary care giver need not have legal custody of such child or children to be a kinship care giver under this definition.

## **Live-In Aide (24 CFR 5.403)**

1. A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who
  - a. is determined by the PHA to be essential to the care and well being of the person(s)
  - b. is not obligated to support the family member
  - c. would not be living in the unit except to provide the necessary supportive services
2. A Live-In Aide is not listed on the Lease and cannot become a remaining family member for continued occupancy purposes.
3. A Live-In Aide’s income is not counted in determining the family’s income.

## **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.

## Medical Expense

Medical expenses are those which are allowed by the Internal Revenue Service (Publication 502). These are expenses that are anticipated during the period for which annual income is computed and that are not covered by insurance (**24 CFR 5.603**) (*Note: This is only one option; PHA may choose its own allowable expenses for this purpose*)

## Medical Expense Allowance

For purposes of calculating adjusted income for elderly or disabled families only, medical expense allowance means the medical expense in excess of **3%** of Annual Income, where these expenses are not compensated for or covered by insurance (**24 CFR 5.611**).

In cases where the family is eligible for both a medical allowance and disability assistance allowance, the following applies:

- 1) If total of all un-reimbursed disability assistance expense is equal to or greater than three percent (3%) of Annual Income, deduction equals the amount of Disability Expenses less 3% of Annual Income, PLUS actual un-reimbursed Medical Expense.
- 2) If total of all un-reimbursed Disability Assistance expense is less than 3% of Annual Income, then the deduction equals the amount by which the sum of Disability Assistance expenses plus Medical Expenses exceeds 3% of Annual Income.

## Maximum Rent

The maximum total tenant payment amount established by the PHA, not to exceed the flat rent amount that will be used as an interim rent in the following situation: A flat rent family loses income and goes to income-based rent; family member finds employment before next re-exam and income increases to the point that their income-based rent would exceed the flat rent. They are not eligible for flat rent until next re-exam. The maximum rent would be allowed for the family until the next re-exam, where they could go back on flat rent. Unlike the flat rent, the maximum rent would include an allowance for utilities.

## Minimum Rent

A family will pay whichever is highest: **10%** of annual (or gross) income; **30%** of adjusted income, or a **\$ 50.00** minimum rent established by the housing authority. This minimum rent is the total tenant payment, which is reduced by an allowance for utilities where the tenant pays part or all of the utilities. (Example: If the utility allowance is \$50 and tenant is paying minimum rent of \$50, actual

amount paid to the PHA would be \$0)

### **Minor**

A minor is a person less than 18 years of age. An unborn child will not be considered as a minor. Some minors are permitted to execute contracts, provided a court has declared them “emancipated.”

### **Mixed Population Project**

A public housing project for elderly and disabled families. The PHA is not required to designate this type of project under **24 CFR 945** or prepare an allocation plan.

### **Mixed Family**

A family whose members include those with citizenship or eligible immigration status, and members without citizenship or eligible immigration status. **(24 CFR 5.504)**

### **Monthly Income**

One-twelfth of Annual Income **(24 CFR 5.603)**

### **Monthly Adjusted Income**

One-twelfth of Adjusted Income **(24 CFR 5.603)**

### **Multifamily Housing Project**

For purposes of 504, means a project containing five or more dwelling units **(24 CFR 8.3)**

### **Near-Elderly Family**

A family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age). The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly. **(24 CFR 5.403)**

### **Near-Elderly Person**

A person who is at least 50 years of age but below 62, who may be a person

with a disability. **(24 CFR 5.603)**

### **Negative Rent**

See Utility Reimbursement

### **Net Family Assets (24 CFR 5.603)**

The net cash value, after deducting reasonable costs (e.g., brokerage or legal fees, settlement costs, penalties for early withdrawal) that would be incurred in disposing of:

- a. Real property (land, houses, mobile homes)
- b. Savings (CD, IRA or KEOGH accounts, checking and savings accounts, precious metals)
- c. Cash value of whole life insurance policies
- d. Stocks and bonds (mutual funds, corporate bonds, savings bonds)
- e. Other forms of capital investments (business equipment) excluding interests in Indian trust lands and excluding equity accounts in HUD home ownership programs

### **Non-citizen**

A person who is neither a United States citizen nor a National of the United States **(24 CFR 5.504)**

### **Over-income Family**

An individual or family who is not a low-income family at the time of initial occupancy.

### **Portion of project**

Includes one or more buildings in a multi-building project; one or more floors of a project or projects; a certain number of dwelling units in a project or projects **(24 CFR 945.105)**

### **Premises**

The building or complex or development in which the public housing dwelling is located, including common areas and grounds.

### **Previously Unemployed Person**

An individual who has earned, in the twelve (12) months previous to employment, no more than would be received for ten (10) hours of work per week for fifty (50) weeks at the established minimum wage.

## **Project (504 Definition)**

Means the whole of one or more residential structures and appurtenant structures, equipment, roads, walks and parking lots that are covered by a single contract for federal assistance or application for assistance, or are treated as a whole for processing purposes, whether or not on a common site **(24 CFR 8.3)**

## **Public Assistance**

TANF or other payments to families and individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

## **Reasonable Accommodation**

Reasonable accommodation is making alterations or adaptations to provide access to otherwise qualified individuals with disabilities in the use of the program and facilities, without causing undue financial and administrative hardship or substantially altering the program or activity.

## **Re-certification**

Also called re-examination or re-determination. The checking of family circumstances and income at least annually to determine if family composition or income changes would require a change in rent or unit size.

## **Service Provider**

A person or organization qualified and experienced in the provision of supportive services, that is in compliance with any licensing requirements imposed by State or local laws for the type of service or services to be provided. The service provider may provide the service on either a for-profit or not-for-profit basis **(24 CFR 945.105)**

## **Single Person**

A person who lives alone or intends to live alone and is not an elderly person, a person with disabilities, a displaced person or the remaining member of a resident family **(24 CFR 945.105)**

## **Specified Welfare Benefit Reduction**

1. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of

fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

- 2 Does not include a reduction or termination of welfare benefits by the agency
  - (a) At expiration of a lifetime or other time limit on the benefits
  - (b) Because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self sufficiency or work activities requirements; or
  - (c) Because a family member has not complied with other welfare agency requirements.

### **Spouse**

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

### **TANF**

Temporary Assistance to Needy Families. The term that replaced AFDC.

### **Temporarily Absent Family Member**

An individual who is or is expected to be absent from the dwelling unit for 180 consecutive days or less and continues to be considered a family member. A family member who is expected to be absent for more than 180 days is considered permanently absent and no longer a family member EXCEPT

1. a family member who is away at school unless information becomes available to the PHA indicating that the student has established a separate household or the family declares that the student has established a separate household.
2. a family member who is absent due to an employment situation
3. a child who has been placed in foster care unless the placement agency confirms that the child has been permanently removed from the home.
4. Military personnel (including reservists and guardsmen) who are called to active duty in the Middle East.

## Tenant Rent

The amount payable monthly by the family as rent to the PHA. Where all utilities (except telephone) and other essential housing services are supplied by the PHA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the PHA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance **(24 CFR 5.603)**

## Total Tenant Payment (TTP)

1. Income-Based: Total Tenant Payment is the greater of 30% of the Monthly Adjusted Income (as defined in this Policy) and 10% of the Monthly Annual Income (as defined in this Policy), but never less than the Minimum Rent (except for Hardship Waivers) or greater than the Ceiling Rent, if any.
2. Flat Rent: Total Tenant Payment will be the Flat Rent if the family chooses Flat Rent instead of Income-based rent. (See **Flat Rent**)

If the tenant pays the utilities, the amount of the Utility Allowance is deducted from the TTP UNLESS the family chooses the Flat Rent amount, in which case a utility allowance is not deducted. Total Tenant Payment does not include charges for excess utility consumption or other miscellaneous charges.

## Uniform Federal Accessibility Standards

Standards for the design, construction and alteration of publicly owned residential structures to insure that physically handicapped persons will have ready access to and use of such structures. Standards are in Appendix A to 24 CFR 40

## Utilities

Water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone service is not considered a utility.

## Utility Allowance (24 CFR 5.603)

If the cost of utilities (except telephone) for an assisted unit is not included in the Tenant Rent but is the responsibility of the family, an amount equal to the estimate made, as approved by the PHA or HUD, of the monthly costs of a reasonable consumption of such utilities for the unit, consistent with the

requirements of a safe, sanitary and healthful living environment. **Schedule of Utility Allowances** is incorporated into this Policy by reference.

**Utility Reimbursement (24 CFR 5.603)**

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. In such a case, the amount will be reimbursed to the family on a monthly basis or directly to the utility company on behalf of the family.

**Very Poor Family**

See “Extremely Low Income Family”

**Very Low Income Family**

Family who’s Annual Income does not exceed fifty (50) per cent of the median income for the area.

**Violent Criminal Activity**

Any criminal activity that involves crimes of physical violence to persons or property and other criminal acts which would adversely affect the health, safety or welfare of other tenants.

## V. ELIGIBILITY FOR ADMISSION

- A. It is the PHA's policy to admit only qualified applicants.
- B. An applicant is qualified if he or she meets all of the following criteria:
  - 1. Meets the definition of a family as defined in Section IV of this Policy;
  - 2. The family meets the HUD requirements on citizenship or immigration status; **(24 CFR 5.500 - 5.528)**
    - a. A family is not eligible for full housing assistance unless every member of the family in the unit is determined to be either a U. S. citizen or have eligible immigrant status as defined by the regulations.
    - b. A Mixed Family (in which one or more family members is determined to be ineligible on the basis of immigration status) may be eligible for prorated assistance.
  - 3. Has an Annual Income (as defined in Section IV) at the time of admission that does not exceed the low income limits for occupancy established by HUD, and posted separately in the PHA office.
  - 4. Provides a documented Social Security number for all family members. **(24 CFR 5.216)**
  - 5. Meets or exceeds the Applicant Suitability Screening set forth in Section XI of this Policy **(24 CFR 960.205)**, including attending and successfully completing a PHA preoccupancy orientation.

## VI. APPLICATIONS FOR ADMISSION

### A. General Conditions

- 1. Under no circumstances will anyone be denied the right to request or submit an application for housing, unless the PHA has publicly

announced the temporary closing of all or part of the Waiting List (see Section IX)

2. Applications will be accepted on our website when the waiting list is open for applications at the Frisco Housing Authority website [www.friscoha.org](http://www.friscoha.org). Information regarding any opening or closing of the waiting list will be posted in advance on the website. A completed online application form by Head, Co-Head or Spouse of the applicant family, will be obtained from all households seeking admission to housing.
3. No applications will be accepted by mail or in the office, unless special arrangements are requested and approved by the PHA, based on a person's disability or other extenuating circumstance that would prevent him/her from completing an application online. Any application received as a result of extenuating circumstances during the open application period must be received within 5 days after the waiting list is closed.
4. A complete application package at a minimum will consist of:
  - a. Application Form
  - b. Authorization for Release of Information/Privacy Act Notice
  - c. Citizenship Declaration Form/Certification of Non-eligible Immigrant Status (if applicable)
  - d. Criminal History Check Acknowledgment Form
  - e. Waiting List Policy Statement
  - f. Applicable Verification Forms
  - g. Community Service Policy/Exempt Forms
  - h. HUD-50066 Certification of Domestic Violence, Dating Violence or Stalking (if applicable)
5. The PHA will work on the assumption that the facts certified to by the applicant in the online application are correct, although all those facts will be subject to verification later in the application process. It is important that enough information is obtained to make a preliminary determination of eligibility.
6. Every applicant who submits an online application form (A Pre-Application) will immediately be placed on the Waiting List or in the lottery, regardless of whether or not all other application documents have been submitted and regardless of whether or not the applicant initially appears eligible.

A Lottery system will be used to rank all Pre-Applications. A limited

number (number will be determined by PHA) of applications will be randomly selected to be on the waiting list. Those applications will then be placed on the Waiting List. Existing applicants should not reapply.

## **B. Preliminary Determination of Eligibility**

1. Within approximately 90 days following [the closing for taking applications](#), a preliminary review of the applicant's file will take place to check for apparent eligibility or ineligibility based on the statements made on the application and further information received.
2. A review of HUD internal records will be made to determine if an applicant has participated in any of the programs administered by this PHA or any other Housing Authority and left the program owing unpaid rent, damages, vacancy loss, or other charges. Such an applicant will not be determined eligible until all funds are repaid in full.

### **3. Applicant Determined Preliminarily Ineligible:**

- a. An applicant who is determined to be ineligible because of information on the application (e.g., over income) or a record of a prior eviction from public housing or debts owing, will be notified in writing of the ineligibility. Notice will:
  - 1) specify reasons why ineligible
  - 2) inform applicant that he or she has ten (10) days after receipt of this notice to request a hearing (see Section XII) in writing.
  - 3) if the only reason for denial is money owed to the PHA or another housing agency, inform applicant that he or she has fourteen (14) days to repay the debt or be removed from the waiting list.
- b. Applicant is removed from Waiting List.
- c. Once the decision to deny is made, the application will be filed and kept for three (3) years.

### **4. Applicant Determined Eligible:**

Eligible applicants will be notified in writing or by telephone, of the following:

- a. that they have been placed on the Waiting List according to the

date and time of their application.

- b. an approximate date applicant is to be housed, determined to the best of the PHA's ability.
- c. that it is their responsibility to submit the rest of their documents, if applicable, within the next six (6) months, as well as report any change in income priority status.
- d. that they will receive notification from the PHA when their name is close to the top of the Waiting List and final verifications are to be processed
- e. that, if they do not hear from the PHA by the end of the six (6) month period, it is their responsibility to contact the PHA to update their information and express interest in remaining on the Waiting List. Otherwise, they will be dropped from the List *unless they have, at initial application, requested assistance with communication as a reasonable accommodation of their disability. Such assistance in updating the Waiting List could include the PHA contacting the applicant with a disability or a designated friend, relative or representative, rather than requiring the applicant to contact the PHA.*

**C. Time Table for Final Verifications**

- 1. Final verification of all application information submitted by the family will be conducted no earlier than sixty (60) days prior to the estimated time the applicant will be offered a unit.
- 2. If there is no one on the Waiting List, verifications and screening will begin immediately after all completed application paperwork has been submitted by the family.

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## VII. ADMISSION PRIORITIES AND SPECIAL CIRCUMSTANCES

### A. Deconcentration and Income Targeting

In its assignment of units, the PHA will, to the maximum **extent possible**, avoid concentration of the most economically and socially deprived families in any one or all of its developments, in an attempt to achieve a broad range of incomes.

1. Applicants will be grouped according to the following priorities based on income ranges:
  - a. Priority 1: Families with incomes between 0% and 30% of the area median income
  - b. Priority 2: Families with incomes between 31% and 80% of the area median income (target is 60% of admissions)
2. When possible, as required by the ***Quality Housing Responsibility Act of 1998***, at least **40 percent** of the families admitted during the fiscal year **must be** admitted from Priority 1. In order to ensure that at any given time the PHA has not fallen below the required 40%, the following test will be performed prior to each new admission:
  - a. Determine total number of admissions since start of the fiscal year
  - b. Add one to this total (the applicant about to be housed)
  - c. Determine number of families housed to-date with incomes at or below 30% of median
  - d. Divide c by d
    - 1) If the result is .40 or greater, next admission may have an income greater than 30%
    - 2) If the result is less than .40, the next admission must have an income at or below 30% of median.

3. In order to prevent or correct concentrations of the lowest income families in any one project or portion of project, the PHA may skip over a Priority 1 family on the Waiting List in order to house a Priority 2 family with higher income.

*NOTE: A PHA may reduce the 40 percent target for public housing by exceeding the 75 percent minimum targeting requirement for admission of extremely low-income families in the PHA's Section 8 voucher program, not to exceed the lowest of the following: ten percent of the public housing waiting list admissions; ten percent of the Section 8 waiting list admissions; the number of low-income families (other than extremely low-income families) that Lease public housing units in high-poverty census tracts, defined as those with a poverty rate greater than 30 percent.*

- B. When selecting a family for a unit in housing designated for elderly families, the PHA will give a priority to elderly and near elderly; in housing designated for disabled families only disabled families will be admitted.
- C. When selecting a family for a unit with accessible features, the PHA will give priority to families that include disabled persons who can benefit from the unit's features.
- D. If no family needing accessible features can be found for a unit with accessible features, the PHA will house a family not needing the features, subject to the procedures described in the Tenant Selection and Assignment plan, described in Section XIII Under this Policy. A non-disabled family in an accessible unit will be required to move so that a family needing the unit features can take advantage of the unit.
- E. Over-Income Families (for PHAs under 250 units). If there are vacant Units and there is no one on the waiting list
  1. The PHA will advertise the availability of the unit for thirty (30) days in the local newspaper
  2. A family wanting to Lease the unit may do so on a month to month basis until an eligible family applies.
  3. If an over-income family becomes available to fill the unit before the advertising period is up, the PHA will move the family into the unit immediately.
  4. A market rate rent will be charged for the unit.

5. When an eligible family becomes available, the over-income family will be given thirty (30) days notice to vacate
- F. If determined necessary to increase security within a project, the PHA may rent a unit to a police officer who is not otherwise eligible.
1. Rent and terms of the Lease will be negotiated between the PHA and the officer.
  2. Officer must be employed full-time as a professional officer licensed by a federal, state or local government agency.

### VIII. OCCUPANCY STANDARDS

- A. It is the PHA's policy that units should be occupied by families of the appropriate size. This policy maintains the usefulness of the units while preserving them from excessive wear and tear.
- B. The following minimum and maximum number of persons per unit guide will govern the number of bedrooms required to accommodate a family of a given size and composition:

<b>Occupancy Guidelines</b>		
<b><u>Number of Bedrooms</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
1	1	2
2	2	4
3	3	6

- C. Under the minimum-number-of-persons-per-unit standard, generally two people will share a bedroom, except that units will be so assigned that:
1. It will not be necessary for persons of different generations or opposite sex, other than husband and wife, to occupy the same bedroom **except at the request of the family.**
  2. Exceptions to these standards may be made in the case of reasonable accommodations for a person with disabilities.
  3. An unborn child will not be counted as a person in determining unit size. A single pregnant woman may be assigned to a one bedroom unit.

4. In determining unit size, the PHA will consider a child who is temporarily away from home because of placement in foster care, kinship care or away at school (court documents required).
  5. Two children of the opposite sex will not be required to share a bedroom **except at the request of the family.** Two children of the same sex are expected to share a bedroom, regardless of their ages.
  6. The living room or dining room will not be considered as a bedroom when determining the minimum size unit for which a family qualifies.
  7. A single head of household parent will not be required (but may choose) to share a bedroom with his/her child.
  8. A live-in attendant for an occupant may be assigned a bedroom for reasons of medical and/or health problems, if verified.
  9. For verified reasons of medical or health problems, a separate bedroom may be provided for an individual family member.
  10. A single person who is not elderly, disabled, displaced or the remaining member of a resident family, may not be placed in a larger than one bedroom unit and may be required to move to a smaller unit.
- D. At the discretion of the PHA, families may be permitted to exceed the maximum as shown on the chart when the family requests such occupancy, and when the PHA determines that the unit in question is large enough.
- E. In any case, no larger unit will be held vacant due to lack of appropriate-sized family on the Waiting List, if it is not financially feasible to do so.
- F. In assigning unit sizes, the PHA will take into account the length of time the family would have to wait for smaller versus larger units, and the age, relationship and sex of family members.

## IX. THE WAITING LIST

- A. General Management
1. It is the policy of the PHA to administer its Waiting List as required by the regulations at **24 CFR 960.**
  2. The PHA, at its discretion, may restrict application intake, suspend application intake, and close Waiting Lists in whole or in part. The

PHA may open or close the list by unit size or type available.

3. Subject to our waiting list policy, applicants have the responsibility to notify the PHA when information regarding the application has changed, such as mailing address or phone numbers.
4. The waiting list will be purged once each year. All applicants will be notified by mail to determine if there is still interest in being on the waiting list. Applicants who fail to respond to notification letter will be removed from the waiting list.
5. The Waiting List will reflect for each application the results of the PHA lottery process. The Lottery will select a random group of applicants from the applicants received during the time the list was open and then places the applicant on the correct list in random order. Then applicants will be ranked according to the **Preference Policy**.

#### B. Closing the Waiting List

1. Decisions about closing the Waiting List will be based on
  - a. the number of applications available for a particular size and type of unit,
  - b. the ability of the PHA to house an applicant in an appropriate unit within a reasonable period of time
2. Decisions to close the Waiting List restrict intake or open the Waiting List will be publicly announced.
3. During the period when the Waiting List is closed, the PHA **will not** maintain a list of individuals who wish to be notified when the waiting list is re-opened
4. When the waiting list is closed or re-opened, a sign will be placed in the lobby (*office, window*) and an advertisement will be placed in the newspaper. The sign and ad will indicate which parts of the Waiting List are affected (program, type and bedroom size).

#### C. Removal of Applications from Waiting List

1. The PHA will remove an applicant's name from the Waiting List under the following circumstances:

- a. The applicant requests that the name be removed.
  - b. The applicant has failed to advise the PHA of his/her continued interest in being on the Waiting List (*subject to reasonable accommodation for persons with disabilities--see Section VI B4 e*). The applicant fails to advise the PHA of any changes in family status, priority status, or in physical or mailing address.
  - c. The PHA has made reasonable efforts to contact the applicant to schedule interviews or obtain information necessary to complete the application process and the applicant has failed to respond. In this case, the PHA will notify the applicant in writing or by telephone that he/she has ten (10) days within which to reschedule the interview or provide the needed information. If applicant fails to respond within that period, the application will be withdrawn.
  - d. The applicant has failed to pay an outstanding balance owed to the PHA.
  - e. The PHA has notified the applicant of its intention to remove the applicant's name because the applicant was determined ineligible based on preliminary information on the application or pursuant to the verification process. In this case, the applicant may request an Informal Hearing for Denials (see Section XII). He/she must respond in writing within ten (10) days of receipt of the written notification.
2. The PHA will consider mitigating circumstances such as disabilities, health problems or lack of transportation in determining if the application should be withdrawn.
  3. Persons whose applications are withdrawn or who are denied may not reapply for twelve (12) months from the date of withdrawal or denial.

## X. VERIFICATIONS

### A. General Policies

1. As families approach the top of the Waiting List, no earlier than **ninety (90) days** prior to offer, the PHA will begin to verify the following items according to HUD's verification guidance provided by HUD in PIH Notice 2004-01 and any subsequent guidance issued by HUD.
  - a. Family Composition and type
  - b. Social Security Numbers of all Family Members.
  - c. Citizenship or eligible immigration status
  - d. Annual Income
  - e. Assets and Asset Income
  - f. Deductions from Income
  - g. Information used in Applicant Screening
2. Verification Procedures will be modified as needed to accommodate persons with disabilities.
3. The PHA will handle information obtained through the verification process in accordance with HUD's Records Management Guidance.
4. Applicants/residents will not be charged for any cost related to verification of information.
5. Consent Forms: Applicants must cooperate fully in obtaining or providing the necessary verifications.
  - a. All adult applicants must sign form HUD-9886, Authorization for

Release of Information. The purpose of this form is to facilitate automated data collection and computer matching from specific sources. This form covers only release of information on earned income and unemployment income to the PHA and IRS/SSA information to HUD.

- b. Only HUD is authorized to collect information directly from IRS and Social Security Administration.
  - c. Adult family members will be asked to sign releases on other forms as needed to collect information to determine family's eligibility and level of assistance.
  - d. If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants and terminate assistance of existing residents. The family may request an informal hearing in accordance with Section VII.
6. The PHA is authorized by HUD to use five methods to verify family information, in the following order of priority
- a. Up-front Verification whenever available
  - b. Third-Party Written Verification
  - c. Third-Party Oral Verification
  - d. Review of Documents
7. When up-front verification is not available, the PHA will diligently seek third-party verifications using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely manner. **(24 CFR 960.259(c)(1))**
8. The PHA will document the reasons when the PHA uses a lesser form of verification than third-party.
9. When Third-Party Verification is not required
- a. When legal documents are the primary source, such as birth certificates or other legal documentation of birth, third-party verification is not required.

- b. The PHA will use review of documents instead of third-party verification when the market value of an asset is less than \$500 annually and the family has original documents that support the declared amount.
- c. When it is known that an income source does not have the ability to provide written or oral third-party verification, e. g., the source's privacy rules prohibit the source from disclosing information; the PHA will rely on viewing of documents.
- d. The PHA will determine that third-party verification is not available when there is a service charge for verifying an asset or expense and the family has original documents that provide the necessary information. If the family cannot provide the original documents, the PHA will pay the service charge required unless it is not cost effective. (Cost of postage and envelopes to obtain third-party verifications is NOT considered unreasonable cost.)

10. Verification Documents

- a. Any family-supplied documents used for verification must be originals, not photocopies, which are no more than sixty (60) days old.
- b. Documents must not be damaged, altered or illegible
- c. The PHA will accept a document dated up to six (6) months before the effective date of the family's re-examination if the document represents the most recent scheduled report from a source, e.g., if the holder of a pension annuity provides semi-annual reports, the PHA would accept the most recent report.
- d. Print-outs from Internet pages are considered original documents
- e. Staff members who view an original document must make a photocopy; annotate the copy with the name of the person who provided the document and the date the original was viewed. The staff member must then sign the copy.

11. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA followed all of the PHA's policies and procedures for verification. The documentation should allow a staff member or HUD reviewer to understand the process

followed and conclusions reached.

12 Age of Verifications

- a. Only verified information that is less than ninety (90) days old may be used for certification or re-certification.
- b. Verified information that is more than ninety (90) days old must be re-verified before the family is housed.
- c. Verified information not subject to change, such as birth dates need not be re-verified at reexamination.

13. All information provided to the PHA relating to incidents of domestic violence, including the fact that an individual is a victim of domestic violence, dating violence, or stalking, will be retained in confidence by the PHA and will be neither entered into any shared database nor provided to a related entity, except to the extent that the disclosure is (1) requested or consented by the individual in writing; (ii) required for use in an eviction proceeding or termination of assistance; or (iii) otherwise required by applicable law.

**B. Social Security Numbers (24 CFR 5.210)**

- 1. Families are required to provide a Social Security Number for all family members prior to admission.
- 2. If a Family member does not have the original Social Security card issued by the Social Security Administration, PHA will accept photo identification and verification of the number from the Social Security Office.

**C. Citizenship Verification**

Verification of citizenship or eligible immigration status will be carried out in accordance with the HUD's Guidance on Citizenship Documentation Verification.

- 1. In the case of a "Mixed Family" applicant, a member who is a non-citizen not claiming to have eligible status must sign, or must have another family member sign, a certification that they do not have eligible status.
- 2. If no family member is determined to be either a citizen or an eligible immigrant, the family will be denied assistance.

3. Restrictions on Denial, Delay or Termination of Assistance.

Assistance **may not** be denied or delayed (or in case of re-examinations, reduced or terminated) on the basis of immigration status if:

- a. verification requests were submitted in a timely manner but Department of Homeland Security has not completed the procedure
- b. the family member for whom required evidence has not been submitted has moved from the assisted unit (*applicable to re-examinations*)
- c. the family member who is determined not to be eligible following verification process has moved from the assisted unit (*applicable to re-examinations*)
- d. the Dept. of Homeland Security appeals process has not been completed (**24 CFR 5.514**)
- e. Assistance is prorated according to **24 CFR 5.520** for a mixed family
- f. Assistance for a mixed family is continued in accordance with **24 CFR 5.516 and 5.518** (*applicable to re-examinations*)
- g. Deferral of termination of assistance is granted in accordance with **24 CFR 5.516 and 5.518** (*applicable to re-examinations*)
- h. Informal hearing process has not been completed (**24 CFR 5.514**)

4. Denial or Termination of Assistance.

Assistance **shall be denied** (or in the case of existing residents, terminated) if

- a. Evidence of citizenship and eligible immigration status is not submitted by the family within the required time frame or within any extension granted.
  - 1) Extensions may be granted, in writing, for no more than thirty (30) days

- 2) Denial of extensions will also be in writing, with reasons provided.
  - b. Evidence of citizenship and eligible immigration status was timely submitted but Dept. of Homeland Security verifications do not verify eligible immigration status and
    - 1) Family does not pursue Dept. of Homeland Security appeal or informal hearing rights, or
    - 2) Dept. of Homeland Security appeal and informal hearing rights are pursued but final decisions are against the family
  - c. PHA determines that a family member has knowingly permitted another ineligible individual to reside on a permanent basis in the assisted unit (without the PHA's knowledge and without the assistance having been prorated because of this individual) *In such case, termination will be for at least twenty four (24) months.*
5. Notice of Denial (or termination). Notice shall state:
- a. that assistance will be denied or terminated and give the reason
  - b. that family may be eligible for prorated assistance
  - c. in case of existing resident, the criteria and procedures for obtaining relief under the provisions for preservation of families.
  - d. that family has right to appeal the Dept. of Homeland Security results and submit additional documentation supporting the appeal
  - e. that family has right to request an informal hearing with the PHA either upon completion of Dept. of Homeland Security appeal or in lieu of Dept. of Homeland Security appeal.
  - f. for applicants, that assistance may not be delayed until the conclusion of the Dept. of Homeland Security appeal, but may be delayed during the pending of the informal hearing process.
6. Appeal to Dept. of Homeland Security
- a. After the PHA notifies family of the results of the Dept. of Homeland Security verification, the family has thirty (30) days to

send to Dept. of Homeland Security for an appeal:

- 1) a cover letter indicating their request for an appeal of the verification results
  - 2) any additional documentation supporting the appeal and a copy of the verification request form used to process the secondary verification
- b. Family must provide the PHA with a copy of the written request and proof of mailing.
  - c. Within thirty (30) days of receipt of the request, Dept. of Homeland Security will render a decision or notify the family of the reasons for any delay.
  - d. Upon receipt of Dept. of Homeland Security decision, the PHA will notify the family of its right to request an informal hearing on the ineligibility determination.
7. Informal Hearing
- a. Family may request a hearing in lieu of a Dept. of Homeland Security appeal or following it.
  - b. Family must request the hearing within thirty (30) days of the notice of ineligibility determination based on immigration status by the PHA, if it does not wish to appeal to DHS; if it has appealed to Dept. of Homeland Security, then the family must request the hearing within thirty (30) days of the Dept. of Homeland Security appeal decision.
  - c. The hearing will be conducted according to the PHA's informal hearing procedure as outlined in Section XII.
  - d. The PHA will provide the family with a written final decision and the reasons for that decision, based solely on the facts presented at the hearing, within fourteen (14) days of the date of the informal hearing.
8. Retention of documents. The PHA will retain for a minimum of five (5) years all of the documents related to the Dept. of Homeland Security appeal or informal hearing process. **(24 CFR 5.514)**

## XI. APPLICANT SUITABILITY SCREENING

- A. It is the PHA's policy that all applicants will be screened in accordance with HUD regulations (**24 CFR 960**) and the PHA's **Screening Procedures**. Otherwise eligible applicants will be screened and those who meet the screening criteria will be considered suitable for housing, as follows:
1. Past performance in meeting financial obligations, particularly rent, is satisfactory (where nonpayment or late payment of rent has occurred, PHA will take into account extenuating circumstances, such as family illness, loss of job, etc., that may have caused the delinquency).
  2. No record of disturbance of neighbors, destruction of property, or living or housekeeping habits which adversely affect the health, safety or welfare of other residents (*this includes alcohol abuse where the abuse results in behavior which interferes with the health, safety, or right to peaceful enjoyment of premises by other residents*)
  3. No history of criminal activity involving crimes of physical violence to persons or property; possession, sale or use of illegal substances; or any other criminal acts that adversely affect the health, safety or welfare of themselves or other residents
- B. Persons with Disabilities: The PHA may not compel any applicant to reveal information about the nature and extent of an applicant's disability as a routine part of the application process. However, the PHA may
1. Ask all applicants whether they need any special features in their units or any special processing (reasonable accommodation) because of a disability (*to qualify for the special unit features or reasonable accommodation, the applicant must document that the family includes someone who needs the unit features or the reasonable accommodation*)
  2. Ask all applicants whether the head or spouse is a person with a disability for the purposes of qualifying the family for
    - a. the \$400 disabled family deduction from income
    - b. if a non-elderly family, the deduction of non-reimbursed medical

expenses (*unless the head or spouse is documented to be a person with a disability, the family cannot receive this deduction*)

3. Ask all applicants claiming work-related disability expenses to provide documentation of the presence of a person with a disability.
- C. The following persons will be denied admission
1. Persons who have been evicted from any federally-assisted housing because of drug-related criminal activity are ineligible for admission to public housing for a three (3) year period beginning on the date of such eviction. This may be waived by the PHA if
    - a. the person demonstrates successful completion of a rehabilitation program approved by the PHA
    - b. circumstances leading to the eviction no longer exist, e.g., the individual involved in the drug-related activity is no longer in the household because the person has died or is imprisoned.
  2. Persons engaging in illegal use of a drug will be denied admission if:
    - a. The PHA determines that any household member is currently engaging in illegal use of a drug; (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)
    - b. If the PHA determines that 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.
  3. Persons convicted of drug-related criminal activity for manufacture or production of methamphetamines on the premises of federally assisted housing is permanently prohibited from admission.
  4. Persons subject to a lifetime registration requirement under a State sex offender registration program are permanently prohibited from admission.
  5. Persons who have demonstrated a pattern of alcohol abuse that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- D. Methods of screening: PHA will screen applicants according to the following screening procedures:
1. Complete a rental history check on all applicants.
  2. Complete a criminal background check and sex offender check on all applicants 18 years of age or older. Criminal check will be conducted according to the HUD's Criminal Screening Guidance.
  3. Conduct personal interviews
- E. In the event of receipt of any unfavorable information regarding conduct of the applicant or a household member of an applicant family, the PHA will give consideration to the time, nature and extent of applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct or financial prospects in determining eligibility of the applicant. Factors to be considered will include:
1. Evidence of rehabilitation;
  2. Evidence of applicant family's participation or willingness to participate in social service or other appropriate counseling service programs and the availability of such program;
  3. Evidence of the applicant's willingness to attempt to increase family income and the availability of training or employment programs in the locality.
  4. Willingness to exclude a family member who falls into one of the categories in "C" above.
  5. Evidence that criminal activity relates to a domestic violence situation.
- F. The PHA may, where a statute requires that the PHA prohibit admission for a prescribed period of time after some disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
- G. Misrepresentations: If misrepresentations on the Application for Admission are determined before the family is housed, the family will be denied housing. If misrepresentations result in housing an ineligible or unsuitable family, the family may be required to vacate even though currently eligible. If misrepresentation or failure to provide facts has resulted in payment of a lower Total Tenant Payment than should have been paid, the family will be required to pay the difference between the Total Tenant Payment paid and the amount which should have been**

**paid. In justifiable cases, the PHA may take such other action as deemed reasonable.**

## **XII. INFORMAL HEARING FOR DENIALS**

- A. All applicants who are denied by the PHA will receive a letter that informs them of their right to request in writing, within ten (10) days of receipt of the denial letter, a hearing with the Executive Director or his/her designee.
- B. A hearing may be requested as a result of denial based on preliminary application information or on results of the final verification and screening process.
- C. Upon receipt of the applicant's written request, the PHA and applicant will agree on a time for an informal hearing, which should occur within the 30-day period following the denial date.
- D. During the hearing, the applicant will be afforded an opportunity to present evidence rebutting the grounds for denial.
- E. The hearing will conform to the following procedures:
  - 1. If the decision to deny admission is based on allegations by a third party, the PHA **will attempt** to have the third party present.
  - 2. The PHA staff person who made the decision must be present to provide available facts and to be questioned.
  - 3. The decision must be based solely on evidence presented at the hearing.
  - 4. The applicant has a right to inspect his/her file.
- F. If, as a result of information presented by the applicant at the Informal Hearing, the PHA reverses its decision to deny the applicant, no new application is required and the applicant will be returned to the appropriate spot on the Waiting List.
- G. If the applicant does not request a hearing within the designated period, he/she waives his/her right to a hearing.

### XIII. TENANT SELECTION AND ASSIGNMENT

#### A. Policy

It is the PHA's policy that each applicant will be assigned his/her appropriate place on one Community-Wide Waiting List in sequence based upon date and time the application is received, type and size of unit needed. Exceptions will be permitted only to comply with Court Orders, Settlement Agreements, or when approved in advance by Fair Housing and Equal Opportunity.

#### B. Method of Applicant Selection

1. The PHA will first match the characteristics of the applicant to the unit available, including size, type and special features of the unit (e.g., accessible) and any priorities for admission required for designated or mixed population housing.
2. Further, in the selection of a family for a unit with accessible features the PHA will give priority to families that include a person with disabilities who can benefit from the unit features. **(24 CFR 8.27)**

#### C. Assignment Plan

1. The selection and assignment of applicants to suitable housing will assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, age, familial status, national origin, or disability.
2. Each qualified applicant first in sequence on the Waiting List will be made **one** offer of a unit of appropriate size. If more than one unit of the appropriate size is available, the first unit offered will be the one that will be ready for occupancy first.
3. The applicant has three **(3)** working days from the date the offer is made (by phone, registered mail or the method of communication designated by the applicant) to accept the offer.
4. If the applicant does not accept the offer, he/she will be removed from the Waiting List.
5. If an applicant is willing to accept the unit offered but is unable to move

at the time of the offer and presents to the satisfaction of the PHA, clear evidence (“**good cause**”) that acceptance of the offer of a suitable vacancy will result in undue hardship or handicap not related to considerations of race, color, sex, religion, or national origin, the applicant will not be dropped from the Waiting List.

6. Examples of good cause reasons for refusal of an offer include, but are not limited to:
  - d. a health professional verifies temporary hospitalization or recovery from an illness or need for a live-in aide to care for the principal household member
  - e. unit is inappropriate for applicant's disabilities, or the family does not need the accessible features offered by the unit; does not want to be subject to a 30-day notice to move.

D. Dwelling Units with Accessible/Adaptable Features

1. Before offering a vacant accessible unit to a non-disabled applicant, the PHA will offer such units:
  - a. First, to a current occupant of another unit of the same development, or other public housing development under the PHA’s control, having a disability that requires special features of the vacant unit (transfer)
  - b. Second, to an eligible applicant on the Waiting List having a disability that requires the special features
  - c. Request for an accessible/adaptable unit must be made in writing.
2. When offering an accessible/adaptable unit to a non-disabled applicant, the PHA will require the applicant to sign an agreement to move to an available non-accessible unit within thirty **(30) days** when either a current resident or an applicant needs the features of the unit. This requirement will be reflected in the Lease agreement signed with the applicant.

E. Initial intake, Waiting List management, screening and offers of housing will be made from the PHA office. The PHA will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance or rejection, including the reason for the rejection.

F. Transfers request must be in writing and will be permitted according to the PHA’s transfer policy described in Section XIV.

#### XIV. TRANSFERS

- A. All transfer requests must be made in writing. The PHA will maintain a list of families (by number of bedrooms) that need to be transferred.
- B. The family name shall be placed on this list on the day the PHA becomes aware of family composition change or other circumstances requiring a change.
- C. Families that are under housed will be given priority over families that are over housed.
- D. Families needing special consideration because of a disability will be accommodated before under and over housed families, whenever possible.
- E. Highest priority: Emergency and certain administrative transfers will take priority over new admissions, as follows:
  - 1. Condition of the unit poses an immediate threat to the resident's life, health or safety, as determined by the PHA. Examples are:
    - a. defects hazardous to health or safety need to be repaired
    - b. verified medical problems of a life-threatening nature need to be alleviated
    - c. threat assessment by a law enforcement agency that a family member is in danger of attack by criminal element or subject to hate crimes in a particular property or neighborhood
  - 2. Unit is slated for modernization.
  - 3. Individuals needing an available unit that is accessible or adapted for use by handicapped or disabled.
- F. Residents will be transferred to a dwelling unit of equal size, either within a location or site or between locations or sites **only** to alleviate hardships as determined by the PHA.
- G. The PHA will not require a family residing in a unit too large for its needs to

transfer into a smaller unit unless the Waiting List reflects a need for the occupied unit.

- H. Residents will receive one offer of a transfer. Refusal of that offer without good cause may result in Lease termination. The "good cause" standard that is applicable to new admissions will also apply to transfers.
- I. The cost of transfers to correct occupancy standards will be the responsibility of the family; all others will be the responsibility of the PHA.

### **XV. LEASING (24 CFR 966)**

- A. It is the PHA's policy that all units must be occupied pursuant to a Lease that complies with HUD's regulations (24 CFR 966)
- B. The PHA shall utilize a **Lease**, incorporated into this Policy by reference.
  - 1. Does not contain unreasonable terms and conditions;
  - 2. Obligates the PHA to maintain the project in a decent, safe and sanitary condition;
  - 3. Requires the PHA to give adequate written notice of termination of the Lease which will be:
    - a. Ten **(10) days** in the case of nonpayment of rent or chronic late payment of rent
    - b. As determined by PHA Director, reasonable period of time may be granted in considering the seriousness of the situation
      - 1) if the health or safety of other residents, PHA employees or persons residing in the immediate vicinity of the premises is threatened; or
      - 2) if any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or
      - 3) if any member of the household has been convicted of a felony.

4. Requires that the PHA may not terminate the tenancy except for serious and repeated violations of the terms or conditions of the Lease or for other good cause.
  5. At annual re-examination, the PHA may terminate the tenancy for noncompliance with the Community Service requirement.
  6. In the event of domestic violence, dating violence, sexual assault, or stalking, immediate notice to vacate can be given so that the offending member of the household can be evicted. Remaining members of the household will remain under the terms of the lease.
- C. Each Lease will specify the
1. unit to be occupied
  2. the date of admission
  3. the size of the unit to be occupied
  4. all family members who will live in the unit
  5. the Total Tenant Payment (gross rent) and security deposit to be charged
  6. the utility allowances
  7. other charges under the Lease
  8. terms of occupancy
- D. The Lease will be explained in detail to the applicant family before its execution.
- E. The Lease will be kept current at all times.
- F. Each adult member of the family accepted as a resident is required to sign the Lease prior to actual admission.
- G. One copy of the Lease will be given to the family and the original will be filed as part of the permanent records established for the family.
- H. The Lease package given to the family will include at a minimum:

1. A copy of the Pet Policy and Pet Agreement, if applicable
  2. Lead Based Paint Brochure and Certification
  3. Smoke Detector Certification
  4. Housekeeping Policy
  5. Grievance Policy
  6. Schedule of Other Charges
  7. Community Service/Self Sufficiency Policy and Certification Forms
  8. Rent Choice Certification
  9. Information on Minimum Rent Waivers for Hardship
  10. HUD-50066 Certification of Domestic Violence, Dating Violence or Stalking
- I. If a resident family transfers to a different unit, the existing Lease will be canceled and a new Lease for the new unit will be executed by each adult member of the family.
- J. If any change in a family's status results in the need to change or amend any provisions of the Lease, or if the PHA desires to waive a Lease provision with respect to a family
1. The existing Lease is to be canceled and a new Lease executed, or
  2. A Notice of Rent Adjustment is to be issued, or
  3. An appropriate rider to the Lease is to be prepared and executed by the PHA and the adult family members and made a part of the existing Lease.
- K. Cancellation of a family's Lease will be in accordance with the provisions of the Lease.
- L. The current **Grievance Procedure** is incorporated into the Lease by reference.

## **XVI. ADDITIONS TO HOUSEHOLD AND VISITORS**

- A. Only those persons listed on the Lease will be permitted to occupy the unit
- B. Except for natural births to or adoptions by family members or court awarded custody, any family seeking to add a new member must request approval in writing prior to the new member occupying the unit
- C. Following receipt of a family's request for approval to add a new person to the Lease, the PHA will conduct a pre-admission screening of the proposed new member. Subject to the screening process and occupancy standards, the PHA will approve or disapprove the request.
- D. Children born to or adopted by a family member, under the age below which Juvenile Justice records are made available, or children added through a kinship care arrangement are exempt from the pre-admission screening process.
- E. Examples of situations where the addition of a family or household member is subject to screening are:
  - 1. Resident plans to be married and files a request to add new spouse to Lease
  - 2. Resident desires to take in a foster child over the age for which Juvenile Justice Records are available
  - 3. Resident desires to add a live-in aide
  - 4. A unit is occupied by a remaining family member(s) under age (who is not an emancipated minor) and an adult, not a part of the original household, requests permission to take over as the head of household.
  - 5. The spouse of an existing resident has been released from prison and wishes to move in.
- F. Resident families who fail to notify the PHA of additions to the household or permit persons to join the household without undergoing screening are in

violation of the Lease. Such persons are considered unauthorized occupants by the PHA and the entire household will be subject to eviction.

G. Visitors

1. May be permitted in a dwelling unit so long as the visitors have no previous history of behavior on PHA premises that would be a Lease violation.
2. Guests or visitors are allowed no more than fourteen (14) consecutive days within a twelve (12) month period, unless the PHA has provided prior written approval

H. Roomers or lodgers will not be permitted to occupy a unit, nor will they be permitted to move in with any family occupying a unit.

I. Family members 18 or older or emancipated minors who move from the unit to establish new households will be removed from the Lease. The resident has the responsibility to report the move-out within thirty (30) days of its occurrence.

J. Residents will not be given permission to allow ex-residents of the PHA who have been evicted to occupy the unit for any period of time.

K. Applicable income (see Section IV, Annual Income) of individuals added to the Lease will be included in Annual Income and subsequently in determining new rent.

## XVII. INSPECTIONS

A. Units shall be inspected:

1. ***At move-in prior to occupancy:*** dwelling unit and premises will be inspected jointly by the applicant and PHA staff; at this time, both parties will agree on the move-in condition of the unit by signing an inspection check sheet. The original check sheet will be kept by the PHA and a copy will be given to the family.
2. ***Every twelve (12) months*** (but not less than annually) Units will be inspected annually using HUD's Uniform Physical Conditions Standards guidelines.
3. **Follow-up** Inspections will be scheduled within forty five (45) days if

housekeeping practices or other circumstances require. The inspection will serve as a guide in the determination of needed maintenance or repairs and to assess damage over and above normal wear and tear. Failure to maintain a safe, decent and sanitary dwelling unit and premises may result in Lease termination.

4. ***At move-out:*** inspection should be done with family, unless family has previously vacated the unit and is unavailable. In the latter case, PHA staff will conduct inspection independently.
  5. ***Special Inspections,*** if deemed necessary, may be performed after proper notice.
- B. Appropriate notice to the family prior to inspections will be in accordance with the **Lease**.

## **XVIII. SECURITY DEPOSITS**

A security deposit will be charged to resident families, payable prior to occupancy unless other arrangements are made, to cover the cost of property damage and/or abuse that is noted when the family vacates the unit. Amount of security deposit and provisions for refund are contained in the PHA's **Security Deposit Policy**, incorporated into this policy by reference.

## **XIX. RESIDENT ORIENTATION**

Eligible applicants selected for admission will be required to participate in an orientation program conducted by the PHA to acquaint new resident families with such items as

- A. PHA policies, including Community Service Policy
- B. Lease
- C. Maintenance procedures
- D. Services provided by the PHA
- E. Grievance procedures
- F. Resident rights

- G. Responsibilities and obligations
- H. The operation of appliances and equipment in the unit
- I. The Housekeeping Policy

## **XX. INCOME DETERMINATION**

- A. HUD regulations at **24 CFR Part 5.609** define what is and what is not counted as income for purposes of eligibility and rent determination. Definition can be found in Section IV Definitions, Annual Income and in the PHA's **Income Determination Procedures**.
- B. Income received by all family members must be counted UNLESS specifically excluded by the regulations.

### **C. Family Composition and Impact on Income**

It is the responsibility of the head of household to report changes in family composition which would affect total income and rent determination. The following outlines how income is affected by family composition.

1. Head, spouse or cohead and other adult family members all sources of income not specifically excluded by regulation are counted.
2. Full-Time students 18 years of age or older (not head, spouse or cohead)
  - employment income above \$480 per year is excluded (**24 CFR 5.609(c)(11)**)
  - all other sources of income, except those specifically excluded by the regulations are included.
3. Children under 18 years of age
  - all employment income is EXCLUDED (**24 CFR 5.609(c)(1)**)
  - all other sources of income, except those specifically excluded by the regulations, are included.
4. Foster Children - Income from all sources is EXCLUDED (**24 CFR**

**5.609(c)(2))**

5. Live-In Aides - Income from all sources is EXCLUDED (**24 CFR 5.609(c)(5)**)
6. **Temporarily Absent Family Members** - if member is approved to live in the unit, income will be counted even if family is temporarily absent. (see Section IV Definitions, for definition of *temporarily absent*)
7. If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. If this person is elderly or disabled and was considered the head of household for deduction purposes, the family will lose the deduction(s) (elderly/disabled head and medical/disability expense deductions) unless another family member still in the household qualifies for these deductions.
8. Dependents who are subject to a joint custody arrangement will be considered a member of the family if they live with the family 50 per cent or more of the time.
  - a. When more than one family is claiming the same dependent(s) as family members, the family with primary custody at the time of initial examination or reexamination will be able to claim the dependent(s).
  - b. If there is a dispute, the PHA will make the determination based on available documents such as court orders or an IRS return showing which family has claimed the child(ren) for income tax purposes.
9. Caretakers for a Child or Children, if neither a parent nor designated guardian remain in a household
  - a. If a responsible agency has determined that another adult is to be brought into the dwelling unit to care for a child or an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
  - b. If a caretaker has assumed responsibility for a child without the involvement of an agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for ninety (90) days. At the end of the ninety (90) days, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's

role is temporary. In such a case, the PHA will extend the caretaker's eligible visitor status.

- c. At any time custody or legal guardianship is awarded to the caretaker, the caretaker will be placed on the Lease as a family member and become subject to income and deduction rules.
  - d. During any period that a caretaker is considered a visitor, the income is not counted and the caretaker is not eligible for any deductions.
- D. The PHA is required to count all income "anticipated to be received from a source outside the family during the twelve (12) month period following admission or annual reexamination effective date" based on current circumstances.
- E. HUD authorizes the PHA to use other than current circumstances to anticipate income when:
- 1. An imminent change in circumstances is expected (e.g., a pending increase in Social Security)
  - 2. It is not feasible to anticipate a level of income over a twelve (12) month period (e.g., seasonal or cyclic income)
  - 3. PHA believes that past income is the best available indicator of expected future income **(24 CFR 5.609(d))**
- F. the PHA will calculate income to be used for rent calculation using the HUD Guidance on Income Determination.

## XXI. RENTS AND RENT ADJUSTMENTS

### A. Choice of Rent

- 1. The family will have a choice of Tenant Rent which will be either an income-based rent or the flat rent. The family will not be offered this choice more than once per year.
- 2. **Income-Based Rent** - Income-based rent is rent that is derived from a

percentage of Income. If the family selects income-based rent, Total Tenant Payment (which includes an allowance for utilities) will be the greatest of the following:

- 1) 10% of Annual Income (Gross Income)
- 2) 30% of Adjusted Annual Income
- 3) PHA's minimum rent of \$50

### **3. Flat Rents**

- a. Flat rents represent the actual market value of the PHA's housing units.
- b. The PHA will review flat rents annually and adjust as needed using the following information
  - 1) Rents of non-assisted rental units in the immediate neighborhood
  - 2) Size of PHA's units compared to non-assisted rental units from the neighborhood
  - 3) Age, type of unit and condition of PHA's units compared to non-assisted units in the neighborhood
  - 4) Land use in the surrounding neighborhood
  - 5) Amenities (such as child care, laundry facilities, playgrounds, community rooms, social services, etc) at the PHA compared to those offered by non-assisted developments in the neighborhood
  - 6) Crime in PHA's neighborhood and surrounding neighborhoods
  - 7) Quality of schools serving PHA's development(s)
  - 8) Availability of public transportation at each PHA development
  - 9) Availability of accessible units for persons with disabilities
- c. Based on the 2014 Housing Bill Flat Rent do include a utility allowance.

- d. Once a family has selected flat rent, the rent will remain constant throughout the twelve (12) months; even though the PHA may have adjusted the flat rent amounts during that period. If, at reexamination, the family chooses to remain on flat rent, the new amount will take effect.
- e. If, at any point between reexaminations, the family's income decreases, they may request to be put immediately back on income-based rent.
- f. The family may not switch back to flat rent before the next reexamination. If, before next reexamination, the family's income increases again due to a family member's finding employment and the income-based rent would exceed the flat rent amount, the family will be placed on Ceiling Rent until the next reexamination. At the next reexamination, family may be placed back on flat rent.
- g. **Flat Rent** - the flat rents are as regulated by HUD.

## **B. Ceiling Rent**

- 1. Ceiling rents may not exceed 75% of operating expense for the development or the applicable flat rent for a unit.
- 2. Ceiling rents are maximum rents that will be used only in interim situations where a family is not eligible for flat rent and the income-based rent would be greater than the flat rent amount.
- 3. Ceiling rents include utility allowances.

## **C. Prorated Rent for Mixed Families**

If a mixed family requests prorated rent, the PHA will make it available as required in **24 CFR 5.520** and compute rent according to HUD's Instructions.

**D. Minimum Rent** - the minimum rent is \$50, which includes a utility allowance.

## **E. Hardship Cases**

- 1. The family may apply for a waiver of the minimum rent if one of the following situations occurs

- a. The family has lost eligibility for or is awaiting federal, state or local assistance, including a family that includes a member who is a noncitizen lawfully admitted for permanent residence.
  - b. Income has decreased because of a change in circumstances, including loss of employment
  - c. A family member has died
  - d. When the family would be evicted as a result of the imposition of the minimum rent requirement
2. When the family requests a hardship waiver, the minimum rent requirement will be immediately suspended pending determination by the PHA of the family's eligibility for the suspension.
3. Family determined ineligible for hardship waiver:
- a. If it is determined by the PHA that the family does not qualify for the hardship, the minimum rent will be reinstated plus any back minimum rent owed for the period the rent was suspended.
  - b. Family may appeal the determination through the PHA's **Grievance Procedure**.
  - c. A family who appeals a financial hardship determination through the **Grievance Procedure** is exempt from any escrow deposit required.
4. Family determined eligible for hardship waiver
- a. Temporary Hardship--less than ninety (90) days  
If the PHA determines that the hardship is temporary, the minimum rent will be imposed, including back payment for minimum rent from the time of suspension.
    - 1) Family will not be evicted for nonpayment of rent during the 90-day period beginning on the date of the family's request for waiver.
    - 2) The PHA will negotiate a repayment agreement with the family if necessary for any rent not paid during this period.
  - b. Long Term Hardship--ninety (90) days or more  
If it is determined that the family qualifies for the long-term

hardship waiver of the minimum rent, the family will report every thirty (30) days to the PHA.

## **F. Interim Adjustments**

1. Any and all changes in family income and composition (for example, size) must be reported by Resident to PHA within ten (10) days of such change(s).
2. Rent will not be changed between admission and regularly scheduled re-examinations except for reasons and according to procedures outlined in the **Lease**, as follows:
  - a. It is determined that rent is based on false or incomplete information supplied by Resident
  - b. It is found that an error was made at admission or re-examination (Resident will not be charged retroactively for error made by Management)
  - c. At regular re-examination it was impossible to verify Resident's income. In this case a temporary rent is charged and Resident must report to the Management every thirty (30) days until a regular rent can be set. Such rent will be effective the date the temporary rent was set, and any overpayment will be credited to Resident's account and underpayment will become due and payable
  - d. A rent increase or decrease is necessary to comply with requirements of HUD or other requirements of law:
  - e. Tenant is required to notify PHA within 10 days of increase of income. Any amount over the \$2400 per year will result in an increase in rent.

***(PHA has the option of using a fixed rent system where rent is not increased between annual re-examinations even if income goes up; or an interim system where rent is increased with every income increase or with a certain PHA-determined amount of income increase, e.g. \$500)***

- f. Resident can show a change in circumstances (such as loss of job or emergency medical costs) or a decline in income which would justify a reduction in rent.



by Resident to the PHA.

6. Interim rent changes will become effective as follows:
  - a. **Increases** in rent: first day of the second month following the month which the change occurred, unless the increase is a result of false or incomplete information supplied by the family.
  - b. **Decreases** in rent: first day of the month following the month in which the change was reported and verified.
- G. **Rent Calculation:** Rents will be calculated according to HUD's Rent Calculation Guidance.

#### H. **Rent Collections**

Rents are due and payable in accordance with provisions of the **Lease**.

### XXII. UTILITIES

- A. Family and PHA responsibilities for utilities are outlined in the **Lease** and in the **Schedule of Utility Allowances**.
- B. Each family will receive a monthly utility allowance that reflects a reasonable amount of utilities for the specific size and type of unit occupied.
- C. The PHA's Utility Allowances will be reviewed annually and adjusted as needed.
- D. When a resident makes application for utility services in his/her own name, he or she shall sign a third-party notification agreement so that the PHA will be notified if the resident fails to pay the utility bill.
- E. If an applicant is unable to get utilities connected because of a previous balance owed the utility company at a prior address, applicant will not be admitted and will receive a Notice of Denial.
- F. In PHA housing developments where the resident pays all or part of the utilities, total tenant payment minus the utility allowance may result in a negative figure. In this case, HUD regulations require that the PHA reimburse this amount (called "utility reimbursement") directly to the resident or directly to the utility company on the resident's behalf. If the PHA elects to pay the utility company directly, it will notify the resident of the amount paid.

- G. Paying the utility bill is the family's obligation under the Lease. Failure to pay utilities is grounds for Lease termination and eviction.

### **XXIII. OTHER CHARGES**

- A. Maintenance Charges: Families will be charged for cost of service repairs due to intentional or negligent damage to the unit beyond normal wear and tear, caused by the resident, other household members or guests. Charges will be made in accordance with Schedule of Other Charges.
- B. Excess Utilities: In the case of PHA-provided utilities, residents using more than the consumption-based utility allowance will be charged for excess utility usage. This includes Flat Rent payers.
- C. Payment for such charges is due and collectible two (2) weeks after the PHA provides written notice of the charges.

### **XXIV. RE-EXAMINATIONS AND CONTINUED OCCUPANCY**

#### **A. Annual Re-examinations**

1. The PHA will re-examine the income and family composition of all resident families at least once every twelve (12) months (coincidental with end of Lease term) to determine any changes in required unit size and rent and to re-certify the family for continued occupancy.
2. All adult members of the family will be asked to participate in the annual re-examination interview.
3. Families will be notified in writing 90 - 120 days in advance of the re-examination anniversary date so that verifications can be completed by that time.
4. The PHA's will use the HUD's Verification Requirements for obtaining

verifications; however, fixed items need not be re-verified.

5. Verified information will be analyzed and a determination made with respect to:
  - a. Eligibility of the resident as a family or as the remaining member of a family;
  - b. Unit size required for the family
  - c. Rent the family should pay
  - d. Compliance with the Community Service requirement (to be reviewed at least thirty (30) days prior to the end of the 12-month Lease term)
6. The income of a family opting to remain on flat rent need not be re-verified unless it has been three (3) years since the last verification.
7. If there is any change in rent, a “Notice of Rent Adjustment” will be sent to the resident and this written notice will serve as an amendment to the Lease, as stipulated in the **Lease**.
8. If there is any change in the size unit required, the resident will be placed on the transfer list in accordance with the transfer policy outlined in Section XIV.

B. Special Re-examinations

1. When it is not possible to estimate projected family income with any degree of accuracy at the time of admission or regular re-examination, a temporary determination will be made with respect to income.
2. A special re-examination will be scheduled every thirty (30) days until reasonably accurate estimate of income can be made.
3. When third-party verification has been requested and submission deadlines have passed, the PHA will use existing information on a provisional basis. If the verification comes in after the deadline and the information differs from the amounts used in income and rent calculations, the PHA will conduct an interim reexamination to adjust the figures used for the reexamination.
4. Residents will be notified in advance as to the date of the special re-examination(s).

### C. Eligibility for Continued Occupancy

1. Residents who meet the following criteria will be eligible for continued occupancy.
  - a. Qualify as a family as defined in Section IV of this Policy. For purposes of continued occupancy, remaining family members qualify as family. Remaining family members can also include court recognized emancipated minors under the age of 18.
  - b. Are in full compliance with the resident obligations and responsibilities as described in the Lease.
  - c. family members who each have documented Social Security Numbers.
  - d. Who meet HUD requirements on citizenship and immigration status **(24 CFR 5.500 - 5.528?)**
  - e. Who are in compliance with the PHA's 8 hour per month community service requirement (*applicable to certain adults who are neither elderly, disabled, working nor participating in qualifying educational or job training programs*)
2. The PHA will not commence eviction proceedings or refuse to renew a Lease, based upon the income of the family unless it has identified, for possible rental by the family, a decent, safe and sanitary dwelling of suitable size available at a rent not exceeding thirty (30) per cent of Adjusted Income as defined in Section IV.

### D. Over Income Limit Residents

In compliance with the Housing Opportunity Through Modernization Act (HOTMA), HUD has established rules governing public housing residents with incomes exceeding the HUD-issued over-income limits (defined as 120% of the Area Median Income (AMI)). The law requires that after a family's income has exceeded 120% of the AMI for two consecutive years, the PHA must charge a monthly rent equal to the Fair Market Rent or the amount of monthly subsidy for the unit including amounts from the operating and capital fund as determined by regulations (whichever is greater), or terminate the family's tenancy within 6 months of the end of the 2 year period.

- a. If at any time, the PHA becomes aware through an annual reexamination or interim reexamination that the family's income exceeds the over-income limit, this is the point at which the two-year clock (2 consecutive years) begins for the family.

1) If the discovery is found at regular annual reexamination, the PHA will make a note in the family's file that their income exceeds the over-income limit and they will be checked again at their next regularly scheduled annual reexamination (in 12 months).

2) If the discovery is found at an interim reexamination, the PHA will change the effective date of the next annual reexamination so that the family will be recertified in 12 months to determine if their income still exceeds the over-income limit. At the 12 month recertification, if the family's income still exceeds the over-income limit, written notice will be sent to the family stating that, if at the end of the next twelve months, their income still exceeds the over-income limit, they will be given the choice of:

- a) Paying an alternative market rent based on the full Fair Market Rent or the amount of monthly subsidy for their public housing unit (whichever is higher);  
or
- b) Moving out of their public housing unit within the following six months.

3) If the family fails to comply within the six month period, the PHA will begin the process of lease termination and eviction.

4) If the family opts to stay in the public housing unit and pay the alternative rent, then at future recertifications, the rent will track any changes in the applicable Fair Market Rent or HUD-determined subsidy amount for the unit.

5) Temporary Income Decrease - If a family requests an interim reexamination because their income has decreased and the PHA determines that the income no longer exceeds the over-income limit, the family is then treated as a regular public housing resident for purposes of rent determination. If the PHA becomes aware through a subsequent annual or interim reexamination that the family's income has again increased to an amount that exceeds the over-income limit, the family will begin a new two-year clock.

6) All notices and other correspondence with resident families will be in the applicable language requested by the family and/or form of communication requested by a resident with a disability.

## XXV. GRIEVANCE PROCEDURE

To assure that a resident family is afforded an opportunity for a hearing if the resident disputes, within a reasonable amount of time, any PHA action or failure to act, involving the resident's Lease or PHA regulations which adversely affect the individual resident's rights, duties, welfare or status, a **Grievance Procedure** for the PHA is incorporated into this policy by reference. Evictions resulting from criminal activity, including drug-related criminal activity on or off Housing PHA premises, are excluded from the **Grievance Procedure**. Also excluded are termination cases involving any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or by PHA employees UNLESS it involves domestic violence, dating violence, sexual assault, or stalking.

## XXVI. PET POLICY

Pets will be allowed in PHA housing, but pet owners must abide by the provisions and requirements of the **Pet Policy**.

## XXVII. EVICTIONS

Serious or repeated violations by a resident family of the material provisions of the Lease shall cause the PHA to begin eviction proceedings in accordance with State Law and the Lease provisions. Families are entitled to utilize provisions of the PHA's **Grievance Procedure** to attempt settlement of disputes with the PHA. In cases where an eviction is a result of domestic violence, only the resident causing the violence may be evicted if the victim follows the procedure below.

Under the Violence Against Women Act the PHA may request that the affected victim complete, sign and submit, within 14 business days of the request the HUD-50066 certification form. If the individual does not produce the form or the information that may be provided in lieu of the certification by the 14th business day or any extension of that date provided by the PHA, none of the protections afforded to victims of domestic violence, dating violence or stalking will apply. The PHA would therefore be free to evict in the circumstances authorized by otherwise applicable law and Lease provisions.

## **XXVIII. COMPLAINTS OF DISCRIMINATION**

For those individuals who believe they are the subjects of discrimination, a Fair Housing and Equal Opportunity poster, containing information on filing complaints with HUD, will be conspicuously posted in the PHA office.

## **XXIX. CONFLICT WITH FEDERAL STATUTE, REGULATION OR HUD POLICY**

This Policy is to be interpreted in accordance with federal statutes and regulations and in compliance with HUD policy and any conflict between this Policy and federal statutes and regulations will be resolved in favor of federal law and policy. \*\*\*\*\*