

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

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# PHA Plan

5 Year Plan for Fiscal Years 2000 - 2004  
Annual Plan for Fiscal Year 2000

For the

**Bellville (TX) Housing Authority**

TX 304

300 South Thomas Street/P.O. Box 247

Bellville, TX 77418-0247

## PHA Plan Agency Identification

**PHA Name:** Bellville (TX) Housing Authority

**PHA Number:** TX 304

**PHA Fiscal Year Beginning:** 01/2000

### Public Access to Information

**Information regarding any activities outlined in this plan can be obtained by contacting:**

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices

### Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at:

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices
- Main administrative office of the local government
- Main administrative office of the County government
- Main administrative office of the State government
- Public library
- PHA website
- Other :

PHA Plan Supporting Documents are available for inspection at:

- Main business office of the PHA
- PHA development management offices
- Other:

**5-YEAR PLAN**  
**PHA FISCAL YEARS 2000 - 2004**

[24 CFR Part 903.5]

**A. Mission**

The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

The PHA's mission is:

**B. Goals**

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

PHA Goal: Expand the supply of assisted housing  
Objectives:  
 Apply for additional rental vouchers:  
 Reduce public housing vacancies:  
    • ***Reduce vacancies in BHA FY 2000 from 14 to seven and obtain additional emergency capital funds (FFY 2000) to reduce vacancies from seven to zero in BHA FY 2001.***

Leverage private or other public funds to create additional housing opportunities:

Acquire or build units or developments

Other:

PHA Goal: Improve the quality of assisted housing  
Objectives:  
 Improve public housing management: (PHAS score)  
    • ***Achieve and maintain "Standard Performer" status.***  
 Improve voucher management: (SEMAP score)  
 Increase customer satisfaction:  
    • ***Improve communication between residents and management by notifying residents of changes to rules both verbally and in writing in a timely manner.***  
 Concentrate on efforts to improve specific management functions:  
    • ***Public Housing Finance: Improve fiscal management and stability as evidence by a passing PHAS Financial Indicator score in FY***

**2001-2004. Provide financial management training to Executive Director of BHA FY 2000.**

- Renovate or modernize public housing units:
  - **Complete Phase III of modernization on schedule and within budget.**
  - **If HUD approves emergency capital funds, complete renovation of remaining seven units on schedule and within budget.**

Demolish or dispose of obsolete public housing:

Provide replacement public housing:

Provide replacement vouchers:

Other:

- PHA Goal: Increase assisted housing choices

Objectives:

Provide voucher mobility counseling:

Conduct outreach efforts to potential voucher landlords

Increase voucher payment standards

Implement voucher homeownership program:

Implement public housing or other homeownership programs:

Implement public housing site-based waiting lists:

Convert public housing to vouchers:

Other:

**HUD Strategic Goal: Improve community quality of life and economic vitality**

- PHA Goal: Provide an improved living environment

Objectives:

Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments:

Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:

Implement public housing security improvements:

Designate developments or buildings for particular resident groups (elderly, persons with disabilities)

Other:

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

- PHA Goal: Promote self-sufficiency and asset development of assisted households  
Objectives:
- Increase the number and percentage of employed persons in assisted families:
  - Provide or attract supportive services to improve assistance recipients' employability:
  - Provide or attract supportive services to increase independence for the elderly or families with disabilities.
  - Other:

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

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing  
Objectives:
- Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability:
    - ***Conduct marketing and outreach to under-served populations to increase the number of non African-American families on the waiting list and in the development.***
  - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
  - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required:
    - ***Explore the possibility of requesting additional funds to increase the number of accessible units from one to two by FY 2004.***
  - Other:

**Other PHA Goals and Objectives:**

*There are no other PHA goals or objectives.*

**Annual PHA Plan**  
**PHA Fiscal Year 2000**

[24 CFR Part 903.7]

**i. Annual Plan Type:**

Standard Plan

**Streamlined Plan:**

- High Performing PHA
- Small Agency (<250 Public Housing Units)
- Administering Section 8 Only

Troubled Agency Plan

**ii. Executive Summary of the Annual PHA Plan**

[24 CFR Part 903.7 9 (r)]

*The FY 2000 Annual Plan of the Bellville (TX) Housing Authority (BHA) implements two major initiatives: reducing public housing vacancies through comprehensive modernization and improving the quality of its management operation. This Annual Plan brings BHA into compliance with the requirements of the Quality Housing and Work Responsibility Act of 1998. Because BHA is aggressively attempting to move out of troubled status, this Plan attempts to simplify to the extent possible BHA's goals, objectives, and related strategies to ensure success.*

**iii. Annual Plan Table of Contents**

[24 CFR Part 903.7 9 (r)]

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**Attachments**

Required Attachments:

<input checked="" type="checkbox"/> Admissions Policy for Deconcentration	TX304a01
<input checked="" type="checkbox"/> FY 2000 Capital Fund Program Annual Statement	Pgs. 26-29
<input checked="" type="checkbox"/> Most recent board-approved operating budget	Hard Copy

Optional Attachments:

<input type="checkbox"/> PHA Management Organizational Chart	
<input checked="" type="checkbox"/> FY 2000 Capital Fund Program 5 Year Action Plan	Pgs. 29-30
<input type="checkbox"/> Public Housing Drug Elimination Program (PHDEP) Plan	
<input checked="" type="checkbox"/> Comments of Resident Advisory Board or Boards	Pgs. 41-42
<input checked="" type="checkbox"/> Other:	
• Admissions and Continued Occupancy Policy	TX304b01
• Disposition Policy	TX304c01
• Grievance Procedure	TX304d01
• Pet Policy	TX304e01
• Rent Collection Policy	TX304f01

## Supporting Documents Available for Review

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
X	PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations	5 Year and Annual Plans
X	State/Local Government Certification of Consistency with the Consolidated Plan	5 Year and Annual Plans
X	Fair Housing Documentation: Records reflecting that the PHA has examined its programs or proposed programs, identified any impediments to fair housing choice in those programs, addressed or is addressing those impediments in a reasonable fashion in view of the resources available, and worked or is working with local jurisdictions to implement any of the jurisdictions' initiatives to affirmatively further fair housing that require the PHA's involvement.	5 Year and Annual Plans
X	Consolidated Plan for the jurisdiction/s in which the PHA is located (which includes the Analysis of Impediments to Fair Housing Choice (AI)) and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
X	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources;
X	Public Housing Admissions and (Continued) Occupancy Policy (A&O), which includes the Tenant Selection and Assignment Plan [TSAP]	Annual Plan: Eligibility, Selection, and Admissions Policies
NA	Section 8 Administrative Plan	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public Housing Deconcentration and Income Mixing Documentation: 1. PHA board certifications of compliance with deconcentration requirements (section 16(a) of the US Housing Act of 1937, as implemented in the 2/18/99 <i>Quality Housing and Work Responsibility Act Initial Guidance; Notice</i> and any further HUD guidance) and 2. Documentation of the required deconcentration and income mixing analysis	Annual Plan: Eligibility, Selection, and Admissions Policies
X	Public housing rent determination policies, including the methodology for setting public housing flat rents <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	Schedule of flat rents offered at each public housing development <input checked="" type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Rent Determination

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
NA	Section 8 rent determination (payment standard) policies <input type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)	Annual Plan: Operations and Maintenance
X	Public housing grievance procedures <input type="checkbox"/> check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
NA	Section 8 informal review and hearing procedures <input type="checkbox"/> check here if included in Section 8 Administrative Plan	Annual Plan: Grievance Procedures
X	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for the active grant year	Annual Plan: Capital Needs
X	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grant	Annual Plan: Capital Needs
NA	Most recent, approved 5 Year Action Plan for the Capital Fund/Comprehensive Grant Program, if not included as an attachment (provided at PHA option)	Annual Plan: Capital Needs
NA	Approved HOPE VI applications or, if more recent, approved or submitted HOPE VI Revitalization Plans or any other approved proposal for development of public housing	Annual Plan: Capital Needs
NA	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
NA	Approved or submitted applications for designation of public housing (Designated Housing Plans)	Annual Plan: Designation of Public Housing
NA	Approved or submitted assessments of reasonable revitalization of public housing and approved or submitted conversion plans prepared pursuant to section 202 of the 1996 HUD Appropriations Act	Annual Plan: Conversion of Public Housing
NA	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
NA	Policies governing any Section 8 Homeownership program <input type="checkbox"/> check here if included in the Section 8 Administrative Plan	Annual Plan: Homeownership
NA	Any cooperative agreement between the PHA and the TANF agency	Annual Plan: Community Service & Self-Sufficiency
NA	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
NA	Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program reports	Annual Plan: Community Service & Self-Sufficiency

<b>List of Supporting Documents Available for Review</b>		
<b>Applicable &amp; On Display</b>	<b>Supporting Document</b>	<b>Applicable Plan Component</b>
NA	The most recent Public Housing Drug Elimination Program (PHEDEP) semi-annual performance report for any open grant and most recently submitted PHDEP application (PHDEP Plan)	Annual Plan: Safety and Crime Prevention
X	The most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)), the results of that audit and the PHA's response to any findings	Annual Plan: Annual Audit
X	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
NA	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)

# 1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

## A. Housing Needs of Families in the Jurisdiction/s Served by the PHA

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	307	5	5	3	5	5	4
Income >30% but <=50% of AMI	293	4	5	2	5	4	4
Income >50% but <80% of AMI	129	3	5	1	4	3	4
Elderly	166	4	4	4	4	3	4
Families with Disabilities	N/A	4	4	4	4	3	4
African-American	N/A	4	4	4	4	4	4
Hispanic	N/A	5	5	5	5	5	5
White	N/A	3	3	3	2	3	2

\*\* *Data for renter households in Austin County; there is no data available for the City of Bellville.*

What sources of information did the PHA use to conduct this analysis?

- Consolidated Plan of the Jurisdiction/s  
Indicate year: FY 2000
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset
- American Housing Survey data  
Indicate year:
- Other housing market study  
Indicate year:
- Other sources:

## B. Housing Needs of Families on the Public Housing and Section 8 Tenant- Based Assistance Waiting Lists

Housing Needs of Families on the Waiting List			
Waiting list type: <input type="checkbox"/> Section 8 tenant-based assistance <input checked="" type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	40		
Extremely low income <=30% AMI	28	70%	
Very low income (>30% but <=50% AMI)	9	23%	
Low income (>50% but <80% AMI)	3	7%	
Families with children	26	65%	
Elderly families	4	10%	
Families with Disabilities	3	8%	
African/American	31	78%	
Hispanic	5	13%	
White	4	10%	
Characteristics by Bedroom Size (Public Housing Only)			
0 BR	0	0%	
1BR	14	35%	3*
2 BR	20	50%	3*
3 BR	6	15%	1*

**\*\* Turnover during FY 2000 is higher than normal due to modernization activities. Seven units currently off-line will be re-occupied with families from the waiting list during FY 2000. Normal turnover rates are much lower and estimated at one to two units per year.**

Is the waiting list closed?  No  Yes

If yes:

How long has it been closed (# of months)?

Does the PHA expect to reopen the list in the PHA Plan year?  No  Yes

Does the PHA permit specific categories of families onto the waiting list, even if generally closed?  No  Yes

### C. Strategy for Addressing Needs

*During FY 2000, BHA is undergoing comprehensive modernization of its public housing units, many of which have been uninhabitable for several months or years. Through modernization activities, BHA will address the housing needs of families in the jurisdiction and on the waiting list by reducing the number of vacant units (currently 14) and improving the quality and condition of its units. Through improved management and maintenance practices, BHA will reduce the time and cost of renovations, reduce unit turnaround time, and ensure that families occupying the modernized units comply with all BHA and HUD policies. In addition, BHA will market to races/ethnicities currently underserved by BHA.*

#### (1) Strategies

**Need: Shortage of affordable housing for all eligible populations**

**Strategy 1. Maximize the number of affordable units available to the PHA within its current resources by:**

- Employ effective maintenance and management policies to minimize the number of public housing units off-line
- Reduce turnover time for vacated public housing units
- Reduce time to renovate public housing units
- Seek replacement of public housing units lost to the inventory through mixed finance development
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources
- Maintain or increase section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertake measures to ensure access to affordable housing among families assisted by the PHA, regardless of unit size required
- Maintain or increase section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintain or increase section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program

- Participate in the Consolidated Plan development process to ensure coordination with broader community strategies
- Other

**Strategy 2: Increase the number of affordable housing units by:**

- Apply for additional section 8 units should they become available
- Leverage affordable housing resources in the community through the creation of mixed - finance housing
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.
- Other:

**Need: Specific Family Types: Families at or below 30% of median**

**Strategy 1: Target available assistance to families at or below 30 % of AMI**

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other:

**Need: Specific Family Types: Families at or below 50% of median**

**Strategy 1: Target available assistance to families at or below 50% of AMI**

- Employ admissions preferences aimed at families who are working
- Adopt rent policies to support and encourage work
- Other:

**Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

- Seek designation of public housing for the elderly
- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other:

**Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

- Seek designation of public housing for families with disabilities
- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities
- Other:

**Need: Specific Family Types: Races or ethnicities with disproportionate housing needs**

**Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:**

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- Other:

**Strategy 2: Conduct activities to affirmatively further fair housing**

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other:

**Other Housing Needs & Strategies:**

**(2) Reasons for Selecting Strategies**

Of the factors listed below, select all that influenced the PHA's selection of the strategies it will pursue:

- Funding constraints
- Staffing constraints
- Limited availability of sites for assisted housing
- Extent to which particular housing needs are met by other organizations in the community
- Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
- Influence of the housing market on PHA programs
- Community priorities regarding housing assistance
- Results of consultation with local or state government
- Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups
- Other:



## **2. Statement of Financial Resources**

[24 CFR Part 903.7 9 (b)]

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants (FY 2000 grants)</b>		
a) Public Housing Operating Fund	\$40,870	
b) Public Housing Capital Fund	\$60,760*	
c) HOPE VI Revitalization	--	
d) HOPE VI Demolition	--	
e) Annual Contributions for Section 8 Tenant-Based Assistance	--	
f) Public Housing Drug Elimination Program	--	
g) Resident Opportunity and Self- Sufficiency Grants	--	
h) Community Development Block Grant	--	
i) HOME	--	
Other Federal Grants	--	
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>		
FFY 1999 CIAP	\$52,894	Modernization
<b>3. Public Housing Dwelling Rental Income</b>	\$26,835**	Operations
<b>4. Other income</b>	--	
<b>5. Non-federal sources</b>	--	
<b>Total resources</b>	<b>\$181,359</b>	

- *Public Housing Capital Fund: This amount is pending for FFY 2000.*
- *Public Housing Dwelling Rental Income: \$16,040 is the amount actually collected for the months of January through July. \$10,795 is the amount BHA expects to collect for the months of August through December (\$2,159/month x 5 months).*

### **3. PHA Policies Governing Eligibility, Selection, and Admissions**

[24 CFR Part 903.7 9 (c)]

#### **A. Public Housing**

##### **(1) Eligibility**

a. When does the PHA verify eligibility for admission to public housing?

When families are within a certain number of being offered a unit: (state number)

When families are within a certain time of being offered a unit:

• *at the time the unit is vacated.*

Other:

b. Which non-income (screening) factors does the PHA use to establish eligibility for admission to public housing?

Criminal or Drug-related activity

Rental history

Housekeeping

Other

c.  Yes  No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

d.  Yes  No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

e.  Yes  No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

##### **(2)Waiting List Organization**

a. Which methods does the PHA plan to use to organize its public housing waiting list

Community-wide list

Sub-jurisdictional lists

Site-based waiting lists

Other

b. Where may interested persons apply for admission to public housing?

PHA main administrative office

PHA development site management office

Other

c. If the PHA plans to operate one or more site-based waiting lists in the coming year, answer each of the following questions; if not, skip to subsection **(3) Assignment**

1. How many site-based waiting lists will the PHA operate in the coming year?

2.  Yes  No: Are any or all of the PHA's site-based waiting lists new for the upcoming year (that is, they are not part of a previously-HUD-approved site based waiting list plan)?  
If yes, how many lists?

3.  Yes  No: May families be on more than one list simultaneously  
If yes, how many lists?

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists?

- PHA main administrative office
- All PHA development management offices
- Management offices at developments with site-based waiting lists
- At the development to which they would like to apply
- Other

**(3) Assignment**

a. How many vacant unit choices are applicants ordinarily given before they fall to the bottom of or are removed from the waiting list?

- One
- Two
- Three or More

b.  Yes  No: Is this policy consistent across all waiting list types?

c. If answer to b is no, list variations for any other than the primary public housing waiting list/s for the PHA:

**(4) Admissions Preferences**

a. Income targeting:

Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions?

- Emergencies
- Overhoused
- Underhoused
- Medical justification
- Administrative reasons determined by the PHA (e.g., to permit modernization work)
- Resident choice: (state circumstances below)
- Other: *Section 504*  
*Victims of Hate Crimes*  
*Witnesses to Crimes*

c. Preferences

1.  Yes  No: Has the PHA established preferences for admission to public housing (other than date and time of application)? (If “no” is selected, skip to subsection **(5) Occupancy**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year?

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden (rent is > 50 percent of income)

Other preferences:

- Working families and those unable to work because of age or disability
- Veterans and veterans' families
- Residents who live and/or work in the jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Date and Time

Former Federal preferences:

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- Residents who live and/or work in the jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s)

4. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

**(5) Occupancy**

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing?

- The PHA-resident lease
- The PHA’s Admissions and (Continued) Occupancy policy
- PHA briefing seminars or written materials
- Other source

b. How often must residents notify the PHA of changes in family composition?

- At an annual reexamination and lease renewal
- Any time family composition changes
- At family request for revision
- Other

**(6) Deconcentration and Income Mixing**

a.  Yes  No: Did the PHA’s analysis of its family (general occupancy) developments to determine concentrations of poverty indicate the need for measures to promote deconcentration of poverty or income mixing?

b.  Yes  No: Did the PHA adopt any changes to its **admissions policies** based on the results of the required analysis of the need to promote deconcentration of poverty or to assure income mixing?

c. If the answer to b was yes, what changes were adopted?

Adoption of site-based waiting lists  
If selected, list targeted developments below:

Employing waiting list “skipping” to achieve deconcentration of poverty or income mixing goals at targeted developments  
If selected, list targeted developments below:

Employing new admission preferences at targeted developments  
If selected, list targeted developments below:

Other

d.  Yes  No: Did the PHA adopt any changes to **other** policies based on the results of the required analysis of the need for deconcentration of poverty and income mixing?

e. If the answer to d was yes, how would you describe these changes?

- Additional affirmative marketing
- Actions to improve the marketability of certain developments
- Adoption or adjustment of ceiling rents for certain developments
- Adoption of rent incentives to encourage deconcentration of poverty and income-mixing
- Other

f. Based on the results of the required analysis, in which developments will the PHA make special efforts to attract or retain higher-income families?

- Not applicable: results of analysis did not indicate a need for such efforts  
 List (any applicable) developments below:

g. Based on the results of the required analysis, in which developments will the PHA make special efforts to assure access for lower-income families?

- Not applicable: results of analysis did not indicate a need for such efforts  
 List (any applicable) developments below:

## **B. Section 8**

***BHA does not administer Section 8 tenant-based assistance; therefore, this section is not applicable.***

### **(1) Eligibility**

a. What is the extent of screening conducted by the PHA?

- Criminal or drug-related activity only to the extent required by law or regulation  
 Criminal and drug-related activity, more extensively than required by law or regulation  
 More general screening than criminal and drug-related activity (list factors below)  
 Other

b.  Yes  No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?

c.  Yes  No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?

d.  Yes  No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)

e. Indicate what kinds of information you share with prospective landlords?

- Criminal or drug-related activity  
 Other

### **(2) Waiting List Organization**

a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged?

- None  
 Federal public housing  
 Federal moderate rehabilitation  
 Federal project-based certificate program

Other federal or local program

b. Where may interested persons apply for admission to section 8 tenant-based assistance?

PHA main administrative office

Other

**(3) Search Time**

a.  Yes  No: Does the PHA give extensions on standard 60-day period to search for a unit?

If yes, state circumstances below:

**(4) Admissions Preferences**

a. Income targeting

Yes  No: Does the PHA plan to exceed the federal targeting requirements by targeting more than 75% of all new admissions to the section 8 program to families at or below 30% of median area income?

b. Preferences

1.  Yes  No: Has the PHA established preferences for admission to section 8 tenant-based assistance? (other than date and time of application) (if no, skip to subcomponent **(5) Special purpose section 8 assistance programs**)

2. Which of the following admission preferences does the PHA plan to employ in the coming year?

Former Federal preferences

Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)

Victims of domestic violence

Substandard housing

Homelessness

High rent burden (rent is > 50 percent of income)

Other preferences

Working families and those unable to work because of age or disability

Veterans and veterans' families

Residents who live and/or work in your jurisdiction

Those enrolled currently in educational, training, or upward mobility programs

Households that contribute to meeting income goals (broad range of incomes)

- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s)

3. If the PHA will employ admissions preferences, please prioritize by placing a “1” in the space that represents your first priority, a “2” in the box representing your second priority, and so on. If you give equal weight to one or more of these choices (either through an absolute hierarchy or through a point system), place the same number next to each. That means you can use “1” more than once, “2” more than once, etc.

Date and Time

Former Federal preferences

- Involuntary Displacement (Disaster, Government Action, Action of Housing Owner, Inaccessibility, Property Disposition)
- Victims of domestic violence
- Substandard housing
- Homelessness
- High rent burden

Other preferences

- Working families and those unable to work because of age or disability
- Veterans and veterans’ families
- Residents who live and/or work in your jurisdiction
- Those enrolled currently in educational, training, or upward mobility programs
- Households that contribute to meeting income goals (broad range of incomes)
- Households that contribute to meeting income requirements (targeting)
- Those previously enrolled in educational, training, or upward mobility programs
- Victims of reprisals or hate crimes
- Other preference(s)

4. Among applicants on the waiting list with equal preference status, how are applicants selected?

- Date and time of application
- Drawing (lottery) or other random choice technique

5. If the PHA plans to employ preferences for “residents who live and/or work in the jurisdiction”

- This preference has previously been reviewed and approved by HUD
- The PHA requests approval for this preference through this PHA Plan

6. Relationship of preferences to income targeting requirements:

- The PHA applies preferences within income tiers
- Not applicable: the pool of applicant families ensures that the PHA will meet income targeting requirements

**(5) Special Purpose Section 8 Assistance Programs**

a. In which documents or other reference materials are the policies governing eligibility, selection, and admissions to any special-purpose section 8 program administered by the PHA contained?

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- Other

b. How does the PHA announce the availability of any special-purpose section 8 programs to the public?

- Through published notices
- Other

**4. PHA Rent Determination Policies**

[24 CFR Part 903.7 9 (d)]

**A. Public Housing**

**(1) Income Based Rent Policies**

a. Use of discretionary policies:

- The PHA will not employ any discretionary rent-setting policies for income based rent in public housing. Income-based rents are set at the higher of 30% of adjusted monthly income, 10% of unadjusted monthly income, the welfare rent, or minimum rent (less HUD mandatory deductions and exclusions). (If selected, skip to sub-component (2))

---or---

- The PHA employs discretionary policies for determining income based rent (If selected, continue to question b.)

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent?

- \$0
- \$1-\$25
- \$26-\$50

2.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies?

3. If yes to question 2, list these policies below:

c. Rents set at less than 30% than adjusted income

1.  Yes  No: Does the PHA plan to charge rents at a fixed amount or percentage less than 30% of adjusted income?

2. If yes to above, list the amounts or percentages charged and the circumstances under which these will be used below:

d. Which of the discretionary (optional) deductions and/or exclusions policies does the PHA plan to employ

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent-setting policy)

If yes, state amount/s and circumstances below:

Fixed percentage (other than general rent-setting policy)  
If yes, state percentage/s and circumstances below:

- For household heads
- For other family members
- For transportation expenses
- For the non-reimbursed medical expenses of non-disabled or non-elderly families
- Other

e. Ceiling rents

1. Do you have ceiling rents? (rents set at a level lower than 30% of adjusted income)

- Yes for all developments
- Yes but only for some developments
- No

2. For which kinds of developments are ceiling rents in place?

- For all developments
- For all general occupancy developments (not elderly or disabled or elderly only)
- For specified general occupancy developments
- For certain parts of developments; e.g., the high-rise portion
- For certain size units; e.g., larger bedroom sizes
- Other

3. Select the space or spaces that best describe how you arrive at ceiling rents

- Market comparability study
- Fair market rents (FMR)
- 95<sup>th</sup> percentile rents
- 75 percent of operating costs
- 100 percent of operating costs for general occupancy (family) developments
- Operating costs plus debt service
- The "rental value" of the unit
- Other

f. Rent re-determinations:

1. Between income reexaminations, how often must tenants report changes in income or family composition to the PHA such that the changes result in an adjustment to rent?

- Never
- At family option (*for decrease in income expected to last at least 30 days*)
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)\_\_\_\_\_
- Other
  - *Within ten (10) days of change in family composition.*

g.  Yes  No: Does the PHA plan to implement individual savings accounts for residents (ISAs) as an alternative to the required 12 month disallowance of earned income and phasing in of rent increases in the next year?

**(2) Flat Rents**

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability?

- The section 8 rent reasonableness study of comparable housing
- Survey of rents listed in local newspaper
- Survey of similar unassisted units in the neighborhood
- Other

## B. Section 8 Tenant-Based Assistance

*BHA does not administer Section 8 tenant-based assistance; therefore, this section is not applicable.*

### (1) Payment Standards

a. What is the PHA's payment standard?

- At or above 90% but below 100% of FMR
- 100% of FMR
- Above 100% but at or below 110% of FMR
- Above 110% of FMR (if HUD approved; describe circumstances below)

b. If the payment standard is lower than FMR, why has the PHA selected this standard?

- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
- The PHA has chosen to serve additional families by lowering the payment standard
- Reflects market or submarket
- Other

c. If the payment standard is higher than FMR, why has the PHA chosen this level?

- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
- Reflects market or submarket
- To increase housing options for families
- Other

d. How often are payment standards reevaluated for adequacy?

- Annually
- Other

e. What factors will the PHA consider in its assessment of the adequacy of its payment standard?

- Success rates of assisted families
- Rent burdens of assisted families
- Other

### (2) Minimum Rent

a. What amount best reflects the PHA's minimum rent?

- \$0
- \$1-\$25
- \$26-\$50

b.  Yes  No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

## **5. Operations and Management**

[24 CFR Part 903.7 9 (e)]

### **A. PHA Management Structure**

- An organization chart showing the PHA's management structure and organization is attached.
- A brief description of the management structure and organization of the PHA follows:
  - *BHA is governed by a Board of Commissioners consisting of one chairperson and four commissioners, of which one is a public housing resident. Commissioners are appointed by the Mayor. One full-time Executive Director manages BHA. The Executive Director oversees one part-time resident Maintenance Technician. A fee-accountant and modernization inspector support BHA on a contract basis.*

### **B. HUD Programs Under PHA Management**

<b>Program Name</b>	<b>Units/Families Served at Year Beginning</b>	<b>Expected Turnover</b>
Public Housing	27	7**
Section 8 Vouchers	NA	NA
Section 8 Certificates	NA	NA
Section 8 Mod Rehab	NA	NA
Special Purpose Section 8 Certificates/Vouchers	NA	NA
Public Housing Drug Elimination Program (PHDEP)	NA	NA
Other Federal Programs(list)	NA	NA

**\*\* Turnover during FY 2000 is higher than normal due to modernization activities. Seven units currently off-line will be re-occupied with families from the waiting list during FY 2000. Normal turnover rates are much lower, estimated at one to two units per year.**

### C. Management and Maintenance Policies

(1) Public Housing Maintenance and Management:

- *Admissions and Continued Occupancy Policy*
- *Grievance Policy*
- *Rent Collection Policy*
- *Maintenance Plan and Schedule of Charges*
- *Procurement Policy*
- *Personnel Policy*
- *One-Strike Policy*
- *Disposition Policy*
- *Pet Policy*

(2) Section 8 Management:

### **6. PHA Grievance Procedures**

[24 CFR Part 903.7 9 (f)]

#### **A. Public Housing**

1.  Yes  No: Has the PHA established any written grievance procedures in addition to federal requirements found at 24 CFR Part 966, Subpart B, for residents of public housing?

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process?

- PHA main administrative office  
 PHA development management offices  
 Other

#### **B. Section 8 Tenant-Based Assistance [Not applicable.]**

1.  Yes  No: Has the PHA established informal review procedures for applicants to the Section 8 tenant-based assistance program and informal hearing procedures for families assisted by the Section 8 tenant-based assistance program in addition to federal requirements found at 24 CFR 982?

If yes, list additions to federal requirements below:

2. Which PHA office should applicants or assisted families contact to initiate the informal review and informal hearing processes? (select all that apply)

- PHA main administrative office  
 Other

## **7. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

### **A. Capital Fund Activities**

#### **(1) Capital Fund Program Annual Statement**

The Capital Fund Program Annual Statement is provided as an attachment to the PHA Plan at Attachment (state name)

-or-

The Capital Fund Program Annual Statement is provided on the following pages:

## Capital Fund Program Annual Statement - Parts I, II, and III

*Note: BHA currently has insufficient capital funds to complete needed modernization work on seven units that are off-line. Because of this, BHA has applied for FFY 2000 emergency capital funding for the purpose of completing the modernization of these seven units. Because these emergency funds were not yet approved at the time of PHA Plan submission, BHA proposes in its FFY 2000 Capital Fund Program Annual Statement to modernize two of the seven off-line units, as a contingency plan in case funding is not secured. If emergency funds are approved, BHA will revise its Annual Statement accordingly.*

### Annual Statement

#### Capital Fund Program (CFP) Part I: Summary

Capital Fund Grant Number TX24P30450100 FFY of Grant Approval: 2000

Original Annual Statement

Line No.	Summary by Development Account	Total Estimated Cost
1	Total Non-CGP Funds	
2	1406 Operations	
3	1408 Management Improvements	
4	1410 Administration	4,500
5	1411 Audit	
6	1415 Liquidated Damages	
7	1430 Fees and Costs	13,000
8	1440 Site Acquisition	
9	1450 Site Improvement	7,000
10	1460 Dwelling Structures	34,260
11	1465.1 Dwelling Equipment-Nonexpendable	2,000
12	1470 Nondwelling Structures	
13	1475 Nondwelling Equipment	
14	1485 Demolition	
15	1490 Replacement Reserve	
16	1492 Moving to Work Demonstration	
17	1495.1 Relocation Costs	
18	1498 Mod Used for Development	
19	1502 Contingency	
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	<b>\$60,760</b>
21	Amount of line 20 Related to LBP Activities	
22	Amount of line 20 Related to Section 504 Compliance	
23	Amount of line 20 Related to Security	
24	Amount of line 20 Related to Energy Conservation Measures	

**Annual Statement  
Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
TX 304-001	Replace 34 water meter cut-off valves.	1450	7,000
TX 304-001	Install 2 new hardwired smoke alarms.	1460	260
TX 304-001	Replace washer boxes and relocate electrical outlets and replace with GFI plugs in 2 units.	1460	300
TX 304-001	Replace tile and shower walls, install new shower plumbing, and remodel adjoining closet, hallway and bedroom walls/trim in 2 units.	1460	3,000
TX 304-001	Patch and paint interior of 2 units.	1460	2,000
TX 304-001	Repair ceilings in 2 units due to abatement of asbestos.	1460	1,500
TX 304-001	Replace bathroom and kitchen outlets with new GFI plugs in 2 units.	1460	200
TX 304-001	Replace all vent-a-hoods in 2 units.	1460	600
TX 304-001	Replace kitchen cabinets and countertops, including sinks and plumbing in 2 units.	1460	4,200
TX 304-001	Install new floor tile in 2 units.	1460	2,100
TX 304-001	Replace screen doors with new heavy-duty storm doors in 2 units.	1460	900
TX 304-001	Replace window screens with new heavy-duty security window screens.	1460	1,600
TX 304-001	Install complete HVAC system in 2 units – central heating and air conditioning.	1460	8,000

**Annual Statement  
Capital Fund Program (CFP) Part II: Supporting Table**

Development Number/Name HA-Wide Activities	General Description of Major Work Categories	Development Account Number	Total Estimated Cost
TX 304-001	Replace all exterior doors in 2 units with new metal, insulated doors, including keyless deadbolts, new thresholds, and weather-stripping.	1460	1,200
TX 304-001	Replace 2 commodes, lavatories, cutoffs and plumbing in 2 units.	1460	900
TX 304-001	Remove portion of existing walls due to mildew and deterioration and install new walls and finish approximately 40% of existing walls.	1460	1,500
TX 304-001	Replace all windows in 2 units and chalk around exterior windows and doors.	1460	3,000
TX 304-001	Remove existing ceramic tile and install new fiberglass wainscot and wall in 2 units.	1460	2,200
TX 304-001	Replace all interior and exterior lights in 2 units.	1460	800
TX 304-001	Purchase ranges, refrigerators, and hot water heaters for 2 units.	1465	2,000
TX 304-HA	Procure part-time help during modernization.	1410	3,500
TX 304-HA	Sundry funds for advertising	1410	1,000
TX 304-HA	Architect/engineering services to develop drawings and specifications, carry out bid procurement, administer contract, and monitor on-site work progression.	1430	10,000
TX 304-HA	Procure on-site inspector to monitor work in progress.	1430	3,000



**Annual Statement**

**Capital Fund Program (CFP) Part III: Implementation Schedule**

Development Number/Name HA-Wide Activities	All Funds Obligated (Quarter Ending Date)	All Funds Expended (Quarter Ending Date)
TX-304-001 Item 1410	March 31, 2001	December 31, 2001
TX-304-001 Item 1430	March 31, 2001	December 31, 2001
TX-304-001 Item 1450	March 31, 2001	December 31, 2001
TX-304-001 Item 1460	March 31, 2001	December 31, 2001
TX-304-001 Item 1465	March 31, 2001	December 31, 2001

**(2) Optional 5-Year Action Plan**

- a.  Yes  No: Is the PHA providing an optional 5-Year Action Plan for the Capital Fund? (if no, skip to sub-component 7B)

***Note: BHA's Five-Year Plan was developed prior to approval/disapproval of its FY 2000 emergency capital funding request. Because of this, the Five-Year Plan includes those items contained in the emergency funding request. If the emergency funds are approved, BHA will modify its Five-Year Plan accordingly.***

- b. If yes to question a, select one:

The Capital Fund Program 5-Year Action Plan is provided as an attachment to the PHA Plan at Attachment (state name )

-or-

The Capital Fund Program 5-Year Action Plan is provided below:

**Table for 5-Year Action Plan for Capital Fund (Component 7)**

5-Year Action Plan Table 1			
Development No.	Dev. Name (or PHA wide)	Vacant Units	% Vacancies in Dev.
TX 304-001	Bellville Public Housing Development	16	47%
Description of Needed Physical or Management Improvements		Est. Cost	Planned Start Date
1460 Dwelling Structures – Modernize remaining 5 units, including electrical, plumbing, and HVAC upgrades; bathroom and kitchen remodeling; wall and ceiling repair; interior painting; and window and door replacement.		\$90,000	01/01/01
1465 Dwelling Equipment Non-Expendable – Purchase ranges, refrigerators, and water heaters for 5 units.		\$5,000	01/01/01
1460 Dwelling Structures – Renovate 1 BR unit to comply with Section 504 requirements for physically disabled persons, including parking and sidewalks.		\$25,000	01/01/01
1450 Site Improvement – Landscaping, sidewalk and parking lot repair, outside lighting, and fencing.		\$25,000	01/01/04
<b>Total estimated cost over next 5 years</b>		<b>\$145,000</b>	

5-Year Action Plan Table 2			
Development No.	Dev. Name (or PHA wide)	Vacant Units	% Vacancies in Dev.
TX 304-HA	BHA Wide	16	47%
Description of Needed Physical or Management Improvements		Est. Cost	Planned Start Date
1410 Administration – P/T help during modernization; advertising.		\$10,000	01/01/01
1430 Fees and Costs – Architecture/engineering services and inspection services during modernization of remaining 5 units.		\$25,000	01/01/01
1470 Non Dwelling Structures – Renovate administrative office and board room, including compliance with Section 504 requirements.		35,000	01/01/03
1410 Administration – Training for Executive Director and technical assistance related to policy and procedural development.		\$8,000	01/01/01
1406 Operations		\$20,040	01/01/04
<b>Total estimated cost over next 5 years</b>		<b>\$98,040</b>	

## **B. HOPE VI and Public Housing Development and Replacement Activities (Non-Capital Fund)**

- Yes  No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
- b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)
1. Development name:
  2. Development (project) number:
  3. Status of grant: (select the statement that best describes the current status)
    - Revitalization Plan under development
    - Revitalization Plan submitted, pending approval
    - Revitalization Plan approved
    - Activities pursuant to an approved Revitalization Plan underway
- Yes  No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?  
If yes, list development name/s below:
- Yes  No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?  
If yes, list developments or activities below:
- Yes  No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?  
If yes, list developments or activities below:

## **8. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

1.  Yes  No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

- Yes  No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

<b>Demolition/Disposition Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. Activity type: Demolition <input type="checkbox"/> Disposition <input type="checkbox"/>	
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>	
4. Date application approved, submitted, or planned for submission: <u>(DD/MM/YY)</u>	
5. Number of units affected:	
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development	
7. Timeline for activity: a. Actual or projected start date of activity: b. Projected end date of activity:	

**9. Designation of Public Housing for Occupancy by Elderly Families or Families with Disabilities or Elderly Families and Families with Disabilities**

[24 CFR Part 903.7 9 (i)]

1.  Yes  No: Has the PHA designated or applied for approval to designate or does the PHA plan to apply to designate any public housing for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e) in the upcoming fiscal year? (If “No”, skip to component 10. If “yes”, complete one activity description for each development, unless the PHA is eligible to

complete a streamlined submission; PHAs completing streamlined submissions may skip to Comp. 10.)

2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 10. If “No”, complete the Activity Description table below.

<b>Designation of Public Housing Activity Description</b>
1a. Development name: 1b. Development (project) number:
2. Designation type: Occupancy by only the elderly <input type="checkbox"/> Occupancy by families with disabilities <input type="checkbox"/> Occupancy by only elderly families and families with disabilities <input type="checkbox"/>
3. Application status (select one) Approved; included in the PHA’s Designation Plan <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date this designation approved, submitted, or planned for submission: (DD/MM/YY)
5. If approved, will this designation constitute a (select one) <input type="checkbox"/> New Designation Plan <input type="checkbox"/> Revision of a previously-approved Designation Plan?
6. Number of units affected: 7. Coverage of action (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

**10. Conversion of Public Housing to Tenant-Based Assistance**

[24 CFR Part 903.7 9 (j)]

**A. Assessments of Reasonable Revitalization Pursuant to section 202 of the HUD FY 1996 HUD Appropriations Act**

1.  Yes  No: Have any of the PHA’s developments or portions of developments been identified by HUD or the PHA as covered under section 202 of the HUD FY 1996 HUD Appropriations Act? (If “No”, skip to component 11; if “yes”, complete one activity description for each identified development, unless eligible to complete a streamlined

submission. PHAs completing streamlined submissions may skip to component 11.)

2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? If “yes”, skip to component 11. If “No”, complete the Activity Description table below.

<b>Conversion of Public Housing Activity Description</b>	
1a. Development name:	
1b. Development (project) number:	
2. What is the status of the required assessment?	<input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No:	Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status)	<input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY) <input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one)	<input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

**B. Reserved for Conversions pursuant to Section 22 of the U.S. Housing Act of 1937**

**C. Reserved for Conversions pursuant to Section 33 of the U.S. Housing Act of 1937**

**11. Homeownership Programs Administered by the PHA**

[24 CFR Part 903.7 9 (k)]

**A. Public Housing**

1.  Yes  No: Does the PHA administer any homeownership programs administered by the PHA under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or has the PHA applied or plan to apply to administer any homeownership programs under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4). (If “No”, skip to component 11B; if “yes”, complete one activity description for each applicable program/plan, unless eligible to complete a streamlined submission due to **small PHA** or **high performing PHA** status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

Yes  No: Has the PHA provided all required activity description information for this component in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 12. If “No”, complete the Activity Description table below.)

<b>Public Housing Homeownership Activity Description (Complete one for each development affected)</b>	
1a. Development name:	
1b. Development (project) number:	
2. Federal Program authority:	
<input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)	
3. Application status: (select one)	
<input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application	

4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

**B. Section 8 Tenant Based Assistance**

1.  Yes  No: Does the PHA plan to administer a Section 8 Homeownership program pursuant to Section 8(y) of the U.S.H.A. of 1937, as implemented by 24 CFR part 982 ? (If “No”, skip to component 12; if “yes”, describe each program using the table below (copy and complete questions for each program identified), unless the PHA is eligible to complete a streamlined submission due to high performer status. **High performing PHAs** may skip to component 12.)

2. Program Description:

a. Size of Program

Yes  No: Will the PHA limit the number of families participating in the section 8 homeownership option?

If the answer to the question above was yes, which statement best describes the number of participants? (select one)

- 25 or fewer participants
- 26 - 50 participants
- 51 to 100 participants
- more than 100 participants

b. PHA-established eligibility criteria

Yes  No: Will the PHA’s program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria? If yes, list criteria below:

**12. PHA Community Service and Self-sufficiency Programs**

[24 CFR Part 903.7 9 (l)]

**A. PHA Coordination with the Welfare (TANF) Agency**

1. Cooperative agreements:

- Yes  No: Has the PHA entered into a cooperative agreement with the TANF Agency, to share information and/or target supportive services (as contemplated by section 12(d)(7) of the Housing Act of 1937)?

If yes, what was the date that agreement was signed? DD/MM/YY

2. Other coordination efforts between the PHA and TANF agency

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other

**B. Services and programs offered to residents and participants**

**(1) General**

a. Self-Sufficiency Policies

Which, if any of the following discretionary policies will the PHA employ to enhance the economic and social self-sufficiency of assisted families in the following areas?

- Public housing rent determination policies
- Public housing admissions policies
- Section 8 admissions policies
- Preference in admission to section 8 for certain public housing families
- Preferences for families working or engaging in training or education programs for non-housing programs operated or coordinated by the PHA
- Preference/eligibility for public housing homeownership option participation
- Preference/eligibility for section 8 homeownership option participation
- Other policies

b. Economic and Social self-sufficiency programs

- Yes  No: Does the PHA coordinate, promote or provide any programs to enhance the economic and social self-sufficiency of residents? (If “yes”, complete the following table; if “no” skip to sub-component 2, Family Self Sufficiency Programs. The position of the table may be altered to facilitate its use. )

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)

**(2) Family Self Sufficiency program/s**

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: DD/MM/YY)
Public Housing	NA	NA
Section 8	NA	NA

- b.  Yes  No: If the PHA is not maintaining the minimum program size required by HUD, does the most recent FSS Action Plan address the steps the PHA plans to take to achieve at least the minimum program size?  
If no, list steps the PHA will take below:

**C. Welfare Benefit Reductions**

1. The PHA is complying with the statutory requirements of section 12(d) of the U.S. Housing Act of 1937 (relating to the treatment of income changes resulting from welfare program requirements) by:

- Adopting appropriate changes to the PHA's public housing rent determination policies and train staff to carry out those policies
- Informing residents of new policy on admission and reexamination
- Actively notifying residents of new policy at times in addition to admission and reexamination.
- Establishing or pursuing a cooperative agreement with all appropriate TANF agencies regarding the exchange of information and coordination of services
- Establishing a protocol for exchange of information with all appropriate TANF agencies
- Other:

**D. Reserved for Community Service Requirement pursuant to section 12(c) of the U.S. Housing Act of 1937**

### **13. PHA Safety and Crime Prevention Measures**

[24 CFR Part 903.79 (m)]

*BHA does not currently participate in PHDEP and is not submitting a PHDEP Plan with this Annual PHA Plan. This section, therefore, is not applicable.*

#### **A. Need for measures to ensure the safety of public housing residents**

1. Describe the need for measures to ensure the safety of public housing residents

- High incidence of violent and/or drug-related crime in some or all of the PHA's developments
- High incidence of violent and/or drug-related crime in the areas surrounding or adjacent to the PHA's developments
- Residents fearful for their safety and/or the safety of their children
- Observed lower-level crime, vandalism and/or graffiti
- People on waiting list unwilling to move into one or more developments due to perceived and/or actual levels of violent and/or drug-related crime
- Other

2. What information or data did the PHA use to determine the need for PHA actions to improve safety of residents.

- Safety and security survey of residents
- Analysis of crime statistics over time for crimes committed "in and around" public housing authority
- Analysis of cost trends over time for repair of vandalism and removal of graffiti
- Resident reports
- PHA employee reports
- Police reports
- Demonstrable, quantifiable success with previous or ongoing anticrime/anti drug programs
- Other

3. Which developments are most affected?

#### **B. Crime and Drug Prevention activities the PHA has undertaken or plans to undertake in the next PHA fiscal year**

1. List the crime prevention activities the PHA has undertaken or plans to undertake:

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- Crime Prevention Through Environmental Design
- Activities targeted to at-risk youth, adults, or seniors
- Volunteer Resident Patrol/Block Watchers Program
- Other

2. Which developments are most affected?

**C. Coordination between PHA and the police**

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities:

- Police involvement in development, implementation, and/or ongoing evaluation of drug-elimination plan
- Police provide crime data to housing authority staff for analysis and action
- Police have established a physical presence on housing authority property (e.g., community policing office, officer in residence)
- Police regularly testify in and otherwise support eviction cases
- Police regularly meet with the PHA management and residents
- Agreement between PHA and local law enforcement agency for provision of above-baseline law enforcement services
- Other activities

2. Which developments are most affected?

**D. Additional information as required by PHDEP/PHDEP Plan**

- Yes  No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?
- Yes  No: Has the PHA included the PHDEP Plan for FY 2000 in this PHA Plan?
- Yes  No: This PHDEP Plan is an Attachment. (Attachment Filename: \_\_\_\_)

**14. RESERVED FOR PET POLICY**

[24 CFR Part 903.7 9 (n)]  
*See Attachment TX304e01*

## **15. Civil Rights Certifications**

[24 CFR Part 903.7 9 (o)]

Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.

## **16. Fiscal Audit**

[24 CFR Part 903.7 9 (p)]

1.  Yes  No: Is the PHA required to have an audit conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h))?  
(If no, skip to component 17.)
2.  Yes  No: Was the most recent fiscal audit submitted to HUD?
3.  Yes  No: Were there any findings as the result of that audit?
4.  Yes  No: If there were any findings, do any remain unresolved?  
If yes, how many unresolved findings remain? \_\_\_\_\_
5.  Yes  No: Have responses to any unresolved findings been submitted to HUD?  
If not, when are they due?

## **17. PHA Asset Management**

[24 CFR Part 903.7 9 (q)]

1.  Yes  No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock, including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake?
  - Not applicable
  - Private management
  - Development-based accounting
  - Comprehensive stock assessment
  - Other:

3.  Yes  No: Has the PHA included descriptions of asset management activities in the optional Public Housing Asset Management Table?

## **18. Other Information**

[24 CFR Part 903.7 9 (r)]

### **A. Resident Advisory Board Recommendations**

*BHA does not have a Resident Advisory Board. BHA only administers a 34-unit public housing program; currently only 20 units are occupied. Because of the small number of families, it has not succeeded to date in organizing a Resident Advisory Board. BHA has aggressively solicited and considered, however, resident input during the development of the PHA Plan. Resident participation was received through three channels. First, residents were invited to a special PHA Plan meeting held Wednesday, July 26. At this meeting, BHA provided an overview of the PHA Plan process and highlighted aspects of the plan and related policies that would affect residents. Second, BHA has a resident on its Board of Commissioners. The resident Commissioner informed residents about the PHA Plan and also expressed to the Board resident issues, concerns, etc. Resident were encouraged to submit comments on the Plan either verbally, in writing, or through the resident Commissioner. Third, BHA residents were invited to the public hearing held on Thursday, September 14.*

1.  Yes  No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?

*\* BHA did receive and consider, however, comments received from residents of the development. These comments are summarized below.*

2. If yes, the comments are:

- Attached at Attachment (File name)  
 Provided below:

- One resident wanted to increase the number of accessible units in the development.*
- In general, all residents wanted the PHA Plan to include sufficient funds and resources for the complete modernization of all 34 units in the development. At the time of the meeting, seven of the 34 units were not scheduled for modernization due to insufficient capital funds. Residents felt that leaving seven units uninhabitable would be a waste of resources and would seriously undermine the modernization effort.*

3. In what manner did the PHA address those comments?

Considered comments, but determined that no changes to the PHA Plan were necessary.

The PHA changed portions of the PHA Plan in response to comments  
List changes below:

*BHA included both the modernization of the seven remaining units and making an additional unit handicap accessible in its annual and five year Capital Fund Plans.*

Other:

## B. Description of Election process for Residents on the PHA Board

1.  Yes  No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)

2.  Yes  No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

### 3. Description of Resident Election Process

a. Nomination of candidates for place on the ballot:

Candidates were nominated by resident and assisted family organizations

Candidates could be nominated by any adult recipient of PHA assistance

Self-nomination: Candidates registered with the PHA and requested a place on ballot

Other:

b. Eligible candidates:

Any recipient of PHA assistance

Any head of household receiving PHA assistance

Any adult recipient of PHA assistance

Any adult member of a resident or assisted family organization

Other

c. Eligible voters

- All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)
- Representatives of all PHA resident and assisted family organizations
- Other

**C. Statement of Consistency with the Consolidated Plan**

1. Consolidated Plan jurisdiction: State of Texas

2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction:

- The PHA has based its statement of needs of families in the jurisdiction on the needs expressed in the Consolidated Plan/s.
- The PHA has participated in any consultation process organized and offered by the Consolidated Plan agency in the development of the Consolidated Plan.
- The PHA has consulted with the Consolidated Plan agency during the development of this PHA Plan.
- Activities to be undertaken by the PHA in the coming year are consistent with the initiatives contained in the Consolidated Plan.
  - Reduce Public Housing vacancies; and
  - Renovate or modernize Public Housing units.
- Other:

4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments:

- *Increase and preserve the availability of safe, decent, and affordable housing for very low, low, and moderate-income persons and families.*

**D. Other Information Required by HUD**

**19. Definition of “Substantial Deviation” and Significant Amendment or Modification**

[1903.7(r)]:

BHA defines “substantial deviation” and “significant amendment or modification” as discretionary changes in its plans or policies which fundamentally alter the mission, goals or objectives of the Agency and which require formal approval by the Board of Commissioners.



*Attachment A – tx304a01*  
**HOUSING AUTHORITY OF THE CITY OF BELLVILLE (TX)**  
**DECONCENTRATION POLICY**

**TX 304-001 (34 UNITS)**

Section 513, Public Housing Targeting, of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) contains certain provisions regarding the deconcentration of poverty in public housing communities. The Bellville Housing Authority (BHA) hereby provides the following information and policy statement concerning deconcentration in its single, 34-unit public housing development.

Note: This policy statement is based on the QHWRA statute and limited information and guidance provided by the U.S. Department of Housing and Urban Development (HUD). Upon receipt of additional HUD guidance and a final deconcentration rule, BHA will amend this policy as necessary.

BHA has one public housing community consisting of 34 units. The City of Bellville is a rural community with an estimated population of under 4,000 and a land area of approximately 6.57 square miles. It is located approximately 60 miles west of Houston. The following conclusions have been drawn from a limited market analysis, an analysis of BHA's waiting list and tenant population, and census data compiled in 1990. At the time of the analysis, only 18 of the 34 units were occupied.

BHA's public housing development is comprised of an almost equal number of families with children (7), elderly families (8), and families with a disabled member (6). The average income for this development is \$7,794. Two-thirds of families living in the development are extremely low-income, while one-third are very low-income. There does not appear to be an unusual distribution of wealth by bedroom size or among the buildings within the development. Approximately forty percent of families within the development have yearly incomes greater than the development average. The remaining 60% have incomes below the development average. An analysis of families currently on BHA's waiting list reflects a similar population.

At the present time, BHA has limited possibilities for income-mixing due to the following: the existence of only one development; inability to attract higher income families due to the quality of its public housing stock; and low turnover averaging two or fewer unit turnovers per year. At this time, therefore, BHA shall continue to utilize its current Admissions and Continued Occupancy Policy, which contains no admissions preferences. BHA shall continue to monitor the HUD deconcentration regulations and make necessary adjustments as may be required.

Adopted September 14, 2000



**BELLVILLE (TX) HOUSING AUTHORITY**  
**INCOME MIXING AND DECONCENTRATION ANALYSIS**

August 2000

<u>Unit #</u>	<u># Persons</u>	<u>Family</u>	<u>Elderly</u>	<u>Disabled</u>	<u>Annual Income</u>
<u>102</u>	1			X	6,000
<u>103</u>	1		X		6,000
<u>104</u>	VACANT				
<u>105</u>	1			X	6,000
<u>106</u>	VACANT				
<u>107</u>	1			X	??
<u>108</u>	1		X		6,000
<u>109</u>	VACANT				
<u>110</u>	1	X			9,744
<u>111</u>	VACANT				
<u>112</u>	VACANT				
<u>113</u>	1			X	??
<u>114</u>	VACANT				
<u>115</u>	VACANT				
<u>116</u>	1		X		6,000
<u>117</u>	1		X		6,000
<u>118</u>	VACANT				
<u>119</u>	VACANT				
<u>120</u>	2		X		10,000

<u>Unit #</u>	<u># Persons</u>	<u>Family</u>	<u>Elderly</u>	<u>Disabled</u>	<u>Annual Income</u>
<u>121</u>	2			X	10,000
<u>122</u>	5	X			7,000
<u>123</u>	3	X			10,800
<u>124</u>	VACANT				
<u>125</u>	2	X			???
<u>126</u>	VACANT				
<u>127</u>	VACANT				
<u>128</u>	5	X			9,600
<u>129</u>	VACANT				
<u>130</u>	1		X	X	6,252
<u>131</u>	VACANT				
<u>132</u>	4	X	X		11,124
<u>133</u>	VACANT				
<u>134</u>	2	X	X		6,384
<u>135</u>	VACANT				

**Total Number Families: 18**

With Children: 7

Elderly: 8

Disabled: 6

**Family Income Analysis: 15 families reporting**

Extremely Low Income: 10 66%

Very Low Income:	5	33%
Average Income:	\$7,794	
No. Above Average:	6	40%
No. Below Average:	9	60%

BELLVILLE (TX) HOUSING AUTHORITY  
P.O. BOX 247  
300 SOUTH THOMAS STREET  
BELLVILLE, TX 77418-0247

ADMISSIONS AND CONTINUED  
OCCUPANCY POLICY



Adopted: September 14, 2000

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# POLICY ON ADMISSIONS AND CONTINUED OCCUPANCY

## I. GENERAL STATEMENT OF MISSION, NONDISCRIMINATION AND PRIVACY

It is the intent of the Bellville Housing Authority (hereinafter referred to as BHA or the Housing Authority) to provide safe, decent housing for eligible lower income tenants and families and to promote self-sufficiency and economic independence. BHA will not discriminate because of race, color, gender, sexual preference, religion, age, disability, ancestry, national origin, marital, familial status or lawful source of income in the leasing, rental, or other disposition of housing or related facilities (including property) included in any housing development(s) under its jurisdiction covered by a contract for annual contribution under the United States Housing Act of 1937, as amended or with the State of Texas or in the use or occupancy thereof.

It is the policy of BHA to comply fully with Title VI of the Civil Rights Act of 1964, Title VIII and Section 3 of the Civil Rights Act of 1968, amended by the Community Development Act of 1974, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disability Act, and any other legislation protecting the individual rights of tenants, applicants, or staff, which may subsequently be enacted.

The Housing Authority shall not automatically deny admission to any particular group or category of otherwise eligible families nor will any criteria be applied, or information be considered, pertaining to attributes or behavior that may be imputed by some to a particular group or category. All criteria applied and information considered in administering this policy shall relate solely to the attributes and behavior of the individual members of the household.

It is also the policy of BHA to guard the privacy of individuals in accordance with the Privacy Act of 1974, and to ensure the protection of individuals' records maintained by BHA. Therefore, the Housing Authority shall not disclose any personal information (including, but not limited to information on any disability) contained in its records to any person or agency unless the individual about whom the information is requested gives written consent to such disclosure, or as required by law. This privacy policy in no way limits BHA's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy.

BHA is committed to identifying and eliminating situations which create barriers to equal housing for all. In accordance with the Americans with Disability Act and Section 504 of the Rehabilitation Act of 1973, as amended, BHA will make such procedural, administrative, locational, or physical changes as will reasonably accommodate persons with disability and which do not impose an unreasonable burden either administratively or financially on the Housing Authority.

## **II. ELIGIBILITY FOR ADMISSION**

### **A. Eligibility Criteria**

It is the policy of BHA to admit only eligible applicant families according to the following criteria:

1. Those who qualify as a family, single person, elderly person, near-elderly person, displaced person or remaining adult member of a tenant family (see Appendix C- Glossary of Terms).
2. Those whose annual income at the time of admission does not exceed the income limits or guidelines as prescribed by HUD for federally-assisted housing. A copy of the most current income limits or guidelines shall be conspicuously posted at BHA locations.
3. Members age 6 or older have been issued a Social Security Number (SSN) and have disclosed it to the satisfaction of BHA. Where a SSN has not been assigned, certification to that effect must be executed.
4. Members are U.S. Citizens or noncitizens who have eligible immigration status.
5. Household composition is appropriate for the housing types and unit sizes available in BHA developments in accordance with the occupancy standards outlined herein (for definition of housing type, see Appendix C - Glossary of Terms).
6. Those who do not maintain another residence in addition to BHA unit.
7. Members have not committed fraud in connection with any Federal Housing Assistance program.
8. Members have not been evicted from public housing, Indian Housing, Section 23, or any Section 8 program because of drug-related criminal activity for a three-year period beginning on the date of the eviction.
9. Those who meet or exceed the tenant selection criteria outlined in this Policy.
10. Members have not been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of a public housing project.
11. Those who do not include any individual who is subject to a lifetime registration requirement under a state sex offender registration program are denied admission for life.

**B. Ineligibility Because of Prior Drug-Related Activity**

1. Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Pursuant to federal law, persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing at BHA for a three-year period beginning on the date of such an eviction.
2. Applicants are denied admission for life who have been convicted of manufacturing or producing methamphetamine (commonly referred to as “speed”) on the premises of a public housing project. Premises is defined as the building or complex in which the dwelling is located, including common areas and grounds.
3. BHA may waive at its sole discretion this restriction if the applicant can demonstrate to the satisfaction of BHA that:
  - a) the person successfully completed a rehabilitation program approved by BHA, or
  - b) the circumstance(s) leading to the eviction no longer exists. For example, the person involved in drugs and responsible for the eviction is no longer part of the household; and
  - c) the person is committed to being drug-free and not participating in drug-related criminal activity as evidenced by executing an addendum imposing reasonable additional lease restrictions such as enrollment in a local drug rehabilitation approved by BHA as may be deemed necessary by BHA to guarantee the health, safety and welfare of other residents.

**C. Screening Out Illegal Drug Users and Alcohol Abusers**

1. BHA will prohibit the admission to public housing of any person who it determines is illegally using a controlled substance.
2. BHA will also prohibit admitting any person to public housing in cases where BHA determines that there is reasonable cause to believe that the person abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
3. BHA may at its sole discretion waive the policies prohibiting admission in these circumstances if the person demonstrates to the satisfaction of BHA that:

- a) the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol, and
- b) has successfully completed a supervised drug or alcohol rehabilitation program;
- c) has otherwise been rehabilitated successfully; or
- d) is participating in a supervised drug or alcohol rehabilitation program, as verified by an authority from such program.

D. Eligibility Restrictions Regarding Noncitizens

1. As required by HUD (24 CFR 5 subpart E), eligibility for assistance or continued assistance under a Section 214 program, such as public housing, is contingent upon a family's submission of documentation either declaring U.S. citizenship or eligible immigration status. BHA will require both current tenants and applicants to submit the required citizenship or eligible immigration documentation for every household member in order to receive or continue to receive housing assistance. Documentation will be required of all new admissions at the time an application is processed by the Housing Authority. Any current tenant who has not already provided documentation will be required to document citizenship or immigration status at the next reexamination. It is necessary to provide this information only one time for each family member during continued occupancy at BHA. Whenever a new family member is added, documentation must be provided before the new member can be added to the lease.

2. *Proof of citizenship will take the following form:*

- a) For families claiming U.S. citizenship, each applicant or tenant family member will sign the citizenship declaration form and present appropriate documentation (such as U.S. passport, resident alien card, social security card, or other appropriate documentation), which will become a permanent part of the tenant file. Adults will be required to sign on behalf of all children under the age of eighteen years.
- b) Noncitizens age 62 years or older who are current tenants or applicants will be required to sign a declaration of eligible immigration status and proof of age.
- c) Tenants and applicants who are noncitizens declaring eligible immigration status must:
  - (i) sign a declaration of eligible immigration status;
  - (ii) provide the required U.S. Immigration and Naturalization Service documents, such as Alien Registration Receipt Card, Arrival/Departure Record, Temporary Resident Card, Immigration and Naturalization

Service (INS) receipt in the event of any lost or missing cards listed above;  
and

- (iii) sign a verification consent form.
3. BHA has the right to deny, terminate or adjust housing assistance if members of any household are found to be noncitizens with ineligible immigration status; however, this determination will not take place until all appeals requested have been exercised by the household. BHA may grant time extensions to provide appropriate information, provided that the household shows a diligent effort in obtaining immigration status documents.
4. BHA may not make assistance available to a family submitting an application until at least the eligibility of one family member has been established, and assistance must be prorated based on the number of individuals in the family for whom eligibility has been affirmatively established.
5. BHA may not delay, deny, reduce or terminate eligibility of an individual for assistance on the basis of the immigration status of the individual. The family will not be penalized for delays on the part of those entities which must verify eligible immigration status.
6. Continued assistance provided to an eligible mixed family after November 29, 1996 will be prorated based on the percentage of family members that are eligible for assistance.
7. BHA is required to suspend assistance to a family for a period of at least 24 months if it is determined that the family has knowingly permitted an ineligible individual to reside on a permanent basis in the family's unit. This provision does not apply if the ineligible individual has already been considered in calculating any proration of assistance for the family.
8. If BHA discovers that citizenship information provided is expired, fraudulent, or otherwise invalid, it will notify the family or individual of the results of these findings. The family or individual will then have 30 days from the date of the notification to file an appeal with the INS to correct the problem. The family or individual must provide the Housing Authority a copy of the appeal request to the INS, which will become a permanent item in the tenant file. BHA can extend this 30 day appeal period at its sole discretion if good cause is found.
9. Any applicant or resident family affected by these provisions has the right to a formal appeal provided the family notifies BHA within 30 days of the action or decision the family wishes to appeal. All appeals will be conducted in accordance with the provisions of BHA's Grievance Procedure.

10. In accordance with Federal rules, mixed families who were living in BHA's units as of June 19, 1995, are permitted to receive continued assistance provided that either the head of household or spouse have eligible immigration status and any ineligible family members are either the head, spouse, parents, or children of the head or spouse.
11. Families who were living in units operated by BHA as of June 19, 1995 but became ineligible for housing assistance because there are no family members with eligible immigration status may be given a temporary deferral of assistance to transfer to other housing at the discretion of the Housing Authority. If the temporary assistance is provided, it will be offered in six month increments and never for longer than a total of 18 months. The maximum period for deferrals granted prior to November 29, 1996 will be three years.
12. Families that no longer qualify for housing assistance due to their citizenship status may apply for prorated assistance to decrease the level of housing assistance provided to the household based on the ratio of eligible and ineligible persons in the household.
13. Rental housing assistance is prohibited to noncitizen students and their families. None of the provisions of the rules related to prorated assistance, continued assistance, or temporary deferral of termination of assistance applies to noncitizen students. This prohibition does not include a citizen's spouse and their children.

E. Verification and Documentation of Eligibility

1. Applicants may not become residents until the documentation is provided and verified. The applicant will retain their position on the waiting list during this period. The applicant will be given a reasonable time, subject to the circumstances, to furnish the documentation before losing their place on the waiting list and the time may be extended, if such circumstances require an extension. The decision will be made by a BHA representative and documented, in writing, and placed in the applicant file.
2. Additional documentation that may be required in determining eligibility includes:
  - Temporary Assistance to Needy Families (TANF)
  - Birth Certificate, or Drivers License that displays the date of Birth and/or form(s) that are issued by a Federal, State, City or County Agency that displays the date of Birth
  - Child Care Verification
  - Credit References (History)
  - Credit Bureau Reports
  - Employer's Verification
  - Landlord Verification
  - Social Security Benefits
  - Assets Verification

- Bank Accounts: Checking Accounts-\$500 + Balance Savings Accounts - \$100 + Balance
3. *Marital Status*: If a marriage certificate is not available the following information is acceptable:
- Drivers License that displays the same address and last names.
  - Federal Tax Forms that indicate that the family filed taxes as a married couple during the last tax reporting period.
  - Other acceptable forms of documentation of marriage would include any document that has been issued by a Federal, State, City or County Government and indicates that the individuals are living as a married couple. Couples that are considered married under common law can provide the same information, as listed above, to document that they are living together as a married couple.
4. *Personal References*: Personal references (not family) may be used when an applicant cannot produce prior rental history records.
5. Separation means the ending of co-habitation by mutual agreement. If an applicant is divorced or separated and has children by that spouse, the applicant must provide at least one of the verifications listed below:
- a) A FINAL divorce decree. (Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced).
  - b) Receiving court-ordered child support from former spouse.
  - c) Verification that applicant is pursuing child support through Department of Human Resources, Child Support Unit or Circuit Clerks Office.
  - d) If applicant is receiving personal child support, the applicant can make arrangements to have the child support paid through the court system, either through the circuit clerks office, Department of Human Resources, or through a court referee.
  - e) Receiving TANF (Temporary Assistance to Needy Families) through the Department of Human Resources for former spouse's children.
  - f) A notarized statement from a current landlord (not family) verifying that he/she knows that the applicant and spouse have not lived together for the last six (6) months or more.

- g) Income tax statements from both the husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - h)
    - (i) A written statement from a lawyer that states the applicant has filed suit for divorce because of physical abuse; or
    - (ii) A written statement from an abuse shelter, law enforcement agency, or other social service agency that states the applicant needs housing due to physical abuse: or
    - (iii) Food stamp verification - If no other documentation is available.
6. If the applicant is divorced or separated from a person and has no children by that person, the applicant must provide at least one of the verifications listed below:
- a) A FINAL divorce decree (Applies to individuals who are divorced and are not separated and is the only documentation accepted for individuals that are divorced).
  - b) A notarized statement from a current landlord (not family) verifying that he/she knows that the applicant and spouse have not lived together for the last six (6) months or more.
  - c) Income tax statements from both the husband and wife indicating both filed income taxes separately the last year and that they filed from different addresses.
  - d)
    - (i) A written statement from a lawyer that states the applicant has filed suit for divorce because of physical abuse; or
    - (ii) A written statement from an abuse shelter, law enforcement agency, or other social service agency that states the applicant needs housing due to physical abuse; or
    - (iii) Food Stamp Verification - If no other documentation is available.
7. Families are required to provide Social Security Numbers (SSN) for all family members age 6 and older prior to admission, if they have been issued SSN by the Social Security Administration. All members of the family defined above must either:
- a) Submit SSN documentation; or
  - b) Sign a certification if they have not been assigned a SSN. If the individual is under 18, the certification must be executed by his or her parent or guardian. If

the participant who has signed a certification form obtains a SSN, it must be disclosed at the next regularly scheduled reexamination, or the next rent change.

Verification will be done through the provision of a valid Social Security card issued by the Social Security Administration.

- c) BHA will accept copies of the Social Security card only when it is necessary to verify by mail the continuing eligibility of participant families.
- d) If an applicant or tenant cannot provide his or her Social Security card, other documents listed below showing his or her Social Security Number may be used for verification. He or she may be required by the Authority to provide one or more of the following alternative documents to verify his or her SSN, until a valid Social Security card can be provided.

These documents include:

- Drivers license, that displays the SSN
  - Identification card issued by a Federal, State or local agency
  - Identification card issued by an employer or trade union
  - Identification card issued by a medical insurance company
  - Earnings statements or payroll stubs
  - Bank statements
  - IRS Form 1099 or W-2 Form
  - Benefit award letters from government agencies
  - Medicaid Cards
  - Unemployment benefit letter
  - Life insurance policies
  - Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
  - Verification of Social Security benefits with the Social Security Administration
- e) If the Authority verified Social Security benefits with the Social Security Administration, the acceptance of the SSN by the Social Security Administration may be considered documentation of its validity.
  - f) Employer Identification Number (EIN).

#### F. Special Eligibility Provisions Relating to Applicants Requiring a Live-In Aide

Some applicants and tenants who would not otherwise be able to fully discharge the responsibilities of tenancy may be able to do so with the assistance of a live-in aide residing in the unit. When an applicant or tenant can provide documentation to the satisfaction of the

Housing Authority that a live-in aide is required and available, the following provisions shall apply:

1. The live-in aide must submit information as requested and be reviewed by BHA staff for eligibility under the Tenant Selection Criteria of this policy. If BHA determines an individual proposed as a live-in aide to be ineligible, the tenant or applicant may propose an alternate live-in aide for screening or may appeal BHA's determination as provided in the Informal Review Procedure (Appendix B).
2. *Unit Size Consideration.* The applicant or tenant and the live-in aide may each be allocated a separate bedroom.
3. The head of household is responsible for all acts of all household members with respect to the requirements of the dwelling lease. Any violation of lease provisions by the live-in aide may be cause for eviction of the household.
4. The live-in aide does not have rights to continue his/her occupancy as a remaining member of a household.

G. Tenant Selection Criteria

1. The applicant household must meet the Tenant Selection Criteria established by BHA to protect the rights and needs of the public housing community for a decent, safe and livable environment. It is necessary to deny admission to public housing to those applicants whose habits and practices may be expected to have a detrimental effect on the tenants, the environment of the development or financial stability of the property.
2. *General Requirements.* The burden is on the applicant to demonstrate to the satisfaction of BHA that the applicant family is:
  - a) Willing to reliably discharge the financial obligations of renting a unit;
  - b) Willing to maintain the unit in a healthy, safe and secure condition;
  - c) Willing to live peacefully with neighbors in a residential community;
  - d) Willing to accept and abide by the terms of the lease agreement, attachments, addenda and all house rules; and
  - e) Willing to provide the Housing Authority with accurate and complete information on the application form or any other form or document required to determine initial eligibility, preference status, and continued occupancy for public housing. Failure or refusal to comply with or provision of falsified information is grounds for a determination of ineligibility and for termination of tenancy and eviction.

3. *Documentation.* The following information related to an applicant's potential future habits or practices will be used to determine if the applicant meets BHA's selection criteria:

- a) The applicant's acceptable past performance in meeting financial obligations, especially rent and utilities. Positive or neutral references from the current landlord and prior landlords from the past three years (or longer if needed to get a minimum of two prior landlords) and neutral or better credit reports, together may constitute adequate evidence that the applicant household meets this criteria.

In determining an applicant's ineligibility based on a previous history of non-payment of rent, the Housing Authority will consider whether:

- The applicant was residing in a substandard unit and was withholding rent payments pending repairs in a manner consistent with local ordinances; or
  - The record of nonpayment or frequent late payment was due to the applicant being required to pay excessive rent relative to his/her income and the applicant demonstrated responsible efforts to resolve the nonpayment problem.
- b) The applicant, members of the applicant household, guests or visitors do not have a record of disturbance of neighbors or destruction of property. Acceptable landlord references, personal references and police and court record reports showing that no household member, guest or visitor engages in these types of activities, together may constitute adequate evidence that the household meets this criteria.
- c) The applicant or members of the applicant household do not have a record of housekeeping practices which may adversely affect the health, safety or welfare of others, or cause damage to BHA property. Acceptable landlord references or satisfactory or better home visit rating may constitute adequate evidence that the household meets this criteria.
- d) The applicant or any member of the applicant household does not have a record of criminal activity or drug-related criminal activity on the part of any household member which would adversely affect the health, safety or right to peaceful enjoyment of others. This includes, but is not limited to, crimes of physical violence and violence to property. Court and police record reports showing that no household member has a record of such activity may constitute adequate evidence that the household meets this criteria. If the Housing Authority uses the information to deny or terminate assistance, BHA must provide a copy of the information used.

- e) The applicant or any member of the applicant household is not a former tenant of a public housing authority, or a former participant in a Section 8 program who had a record of lease violations or whose tenancy was terminated by the Housing Authority or private landlord. No previous tenant may be readmitted unless all previous amounts owed have been paid to a public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless BHA has agreed in writing to grant eligibility upon payment of amounts due.
- f) The applicant is willing to accept and comply with the terms of the lease agreement and other related documents. Acceptable landlord references and a satisfactory or better home visit rating may constitute adequate evidence that the household meets this test.
- g) The applicant who is a first time head of household must demonstrate to the satisfaction of BHA that he/she can live responsibly on his/her own and has the maturity necessary to do so. Indicators of maturity may include, but are not limited to: the applicant's school attendance record, handling of finances (such as bill payment) and holding a job or other community responsibility (such as volunteer work).
- h) The applicant has not misrepresented or falsified any information related to eligibility, preference status, selection criteria or income and has provided all information requested and required by BHA. If at any time during the tenant selection process it is determined that the household has provided information which is false or misleading, or has failed to supply BHA with any information or documentation required, the applicant household will be considered to have failed this criteria.
- i) There is no reasonable cause to believe that any member of the applicant household has exhibited a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol which interfered with the health, safety, or right to peaceful enjoyment of the premises by other residents. Acceptable landlord references, personal references and court and police record reports showing that no household member has exhibited these patterns may constitute adequate evidence that the household meets this criteria.

In evaluating applicant families under this criteria, BHA may consider information which demonstrates to the satisfaction of the Housing Authority that the person is no longer engaging in illegal use of a controlled substance or abuse of alcohol and:

- (i) has successfully completed a supervised drug or alcohol rehabilitation program;
- or

- (ii) has otherwise been rehabilitated successfully; or
    - (iii) is participating in a supervised drug or alcohol rehabilitation program.
  - j) There is no evidence relating to previous habits or practices which indicate that the applicant or any member of the applicant household would likely have a detrimental effect on the public housing community if admitted.
4. *Verification Procedures.* BHA may use the following procedures to verify if the applicant meets the tenant selection criteria:
- a) *References from Landlords and Prior Landlords.* BHA will obtain references from current and prior landlords for the past five years (or longer if needed to get a minimum of two prior landlords), if any, and places great importance on the information obtained from these references as prior landlords have relationships with prospective tenants that are similar to the relationship to be established with BHA.  
  
BHA will attempt to check court records for evidence of evictions or judgments against members of the household. References from landlords who are related by blood or marriage are generally considered to be insufficient. In addition, BHA may schedule and perform a home visit and/or attempt to interview the current housing provider and others who are familiar with the behavior and abilities of household members.
  - b) *Home Visits.* BHA staff will perform a home visit for applicants for whom landlord references of acceptable credibility and quality are not available. The purpose of the Home Visit is to obtain information to be used in determining whether the applicant household meets certain of BHA's tenant selection criteria and will consider the following:
    - (i) Condition of entrance ways, halls and yards.
    - (ii) Cleanliness in each room used by the household, including rooms shared with other households, if applicable.
    - (iii) General care of furniture, appliances, fixtures, windows, doors and cabinets.
    - (iv) Evidence of destruction of property.
    - (v) Evidence of unauthorized occupants.

- (vi) Evidence of criminal activity.
- (vii) Conditions inconsistent with the information supplied in any application or other document submitted by the household.

Applicants will be given at least two days' advance verbal notice of the home visit. If the results of the home visit indicate tenant-caused health or safety hazards, tenant-caused damages, or housekeeping practices leading to infestation by pests or other tenant-caused conditions or practices which would diminish the applicant's ability to meet BHA's lease obligations, the applicant household will be considered to have failed BHA's tenant selection criteria.

- c) *Police and Court Records Check.* BHA will obtain or have the applicant obtain police and court records for all adult members of the applicant family for evidence of behavior which is relevant to the tenant selection criteria outlined herein.
  - d) *Credit Reports.* BHA may obtain credit reports on all adult family members to determine the household's history of meeting financial obligations, especially rent and utilities. Lack of credit history will not, in itself, cause an applicant to fail this criteria.
5. *Sources of Information.* Sources of information that BHA may use include but are not limited to:
- a) Members of the applicant household.
  - b) Present and prior landlords or housing providers.
  - c) Home visits.
  - d) Present and former neighbors.
  - e) Present and former employers.
  - f) Personal references.
  - g) Credit bureaus.
  - h) Landlord Record services, where applicable;
  - i) Social workers, school officials, drug and alcohol treatment centers, clinics, health care providers and clergy, and guidance counselors;
  - j) Police departments, parole officers, court records; and

- k) Department of Economic Security, Internal Revenue Service.
6. BHA staff will be the final judge of what constitutes adequate and credible information. If there are sufficient doubts with respect to the veracity, credibility, or reliability of any information received, BHA retains the right to pursue alternative sources of information until satisfied that the information received is the best available.
  7. In the event that BHA receives adverse and unfavorable information regarding an applicant household, consideration will be given to the time, nature and extent of the applicant's conduct and to factors which might indicate a reasonable probability of favorable future conduct and that certain undesirable behavior will not be repeated. In making this consideration, BHA shall consider all relevant circumstances including:
    - a) the severity of the potentially disqualifying behavior or conduct;
    - b) the amount of time which has elapsed since the occurrence of such behavior or conduct;
    - c) the degree of danger, if any, to the health, safety, and security of others or to the security of the property of others or to the physical conditions of the housing development and its common areas if the behavior or conduct recurred;
    - d) the likelihood that the behavior or conduct in the future will be substantially improved.
  8. Applicants who fail any of the tenant selection criteria will be sent a Notice of Rejection. These applicants will be considered ineligible for housing at BHA for a period of one (1) year from the Notice of Rejection and will be removed from the waiting list. After the one year period, these applicants may reapply for housing, subject to all conditions outlined herein. See Appendix B for Informal Review Procedures.
  9. The Housing Authority shall maintain a record of all applicants determined ineligible as a result of the failure to meet its Tenant Selection Criteria with an indication of the specific reason(s) for the determination of ineligibility.

### III. APPLICATION FOR ADMISSION

#### A. Application Intake

BHA will accept applications for admission to BHA housing only during publicly announced time periods during which all interested persons may apply for admission to BHA housing. Applications will be accepted at the Office located at 300 South Thomas Street, Bellville, TX during specified dates and business hours posted at the office. Individuals who have a physical disability that may prevent them from completing an application in person may call BHA to make special arrangements for completing the housing application. Reasonable accommodation will be made upon request to BHA for persons with visual and hearing disabilities.

When the number of applicants who can be served within a reasonable period of time is reached, the waiting list(s) may be closed by unit size and/or housing type. Notice of opening and closing of the waiting list(s) shall be made in a newspaper of general circulation and announced by other suitable means. When the waiting lists for one or more unit sizes or housing type are to be reopened, the Housing Authority will clearly state in the public announcement the procedure to be employed to determine the position of each applicant on the waiting list.

#### B. Criteria for Placement on Waiting List

An applicant will be assigned to the appropriate waiting list(s) according to the policies for public federal housing outlined below. Applicants will be notified of their assigned application number and how to check their status on the waiting list as well as further information on the housing program and its requirements.

Applicants will be placed on the waiting list by:

1. Unit size/type needed; and
2. Date and time of application.

Federal regulations no longer give preference to elderly, disabled, or displaced families over other single persons in federal housing programs.

#### C. Maintaining an Active List

The pool of active applicants will be kept current by requiring each applicant to inform the Housing Authority at least once annually of continued interest. BHA will send an update letter to the applicant, requiring the applicant to submit a form indicating continued interest and any updated information, such as change of address or household information within ten

(10) days. If the applicant fails to respond within that time frame, the applicant's name will be removed from the waiting list.

D. Responsibility to Report Changes

Applicants on the waiting list must also report to the Housing Authority any changes in income, preference status, family composition, address or any other information provided on the preliminary application as they occur. Any such changes could affect the applicant's status or eligibility for housing. Any applicant knowingly providing false information or fraudulent statements affecting the applicant's status or eligibility for housing will be removed from the waiting list.

E. Removal from the Waiting List

An applicant may withdraw an application at any time. A withdrawn application cannot be reactivated and the applicant who has withdrawn an application shall be required to reapply. Any applicant removed from the waiting list by BHA will be notified in writing of the reason(s) for which the application is being removed. Such notification shall inform the applicant of his/her right to an informal review of the determination and will be made part of the application record. The Housing Authority will provide the applicant, upon written request, within ten (10) days from the date of the notification, an opportunity for an informal review of the determination of removal from the waiting list.

F. Record Keeping

The Housing Authority will keep a copy of each application received. For each applicant, the Housing Authority will document its determination that the applicant is eligible and meets admission standards, or is ineligible and does not meet admission standards, or is removed from the waiting list for any other reason. The Housing Authority will also maintain a record of the dwelling unit(s) offered to an eligible applicant, including the location, date, and circumstances of the offer and its acceptance or rejection. A copy of each application will become a part of a tenant's file during participation in the program. Inactive files will be maintained for a minimum of three years from the date of final action. Waiting list information will contain race or ethnic designation of head of household.

G. Eligibility Determinations

Applicants will be placed on the waiting list based on information provided on the preliminary application form.

1. *Preliminary Application Form:* BHA shall utilize a preliminary application form (pre-application). The purpose of the pre-application is to permit the BHA to assess family eligibility or ineligibility and to determine placement on the wait list. Duplicate pre-applications, including applications from a segment of an applicant household, will not

be accepted. Ineligible applicants or incomplete applications from applicants will not be placed on the waiting list.

2. If an applicant is determined to be ineligible for placement on the waiting list based on the information provided in the pre-application, the BHA will notify the applicant in writing, state the reasons, and inform the applicant of his/her right to an informal review in accordance with Appendix C.
3. *Final Eligibility Determination:* When staff estimate that a unit will become available for applicants within the next several months, applicants in wait list order will be invited to attend an interview and submit an application for final eligibility for housing, after which the formal verification process and resident selection process will commence.
4. *Verification of Final Eligibility Determination:* Each applicant household shall be required to provide all information and authorizations necessary to enable BHA to verify the applicant's qualification for income eligibility, household composition and conformance to the Housing Authority's Tenant Selection Criteria.
  - a) Information may be required for any or all household members. Verification shall be from third party sources whenever possible. However, the applicant shall not be penalized either by denial of admission or by unreasonable delay of placement solely because third party sources have failed to respond to requests for information. When the applicant and BHA have made all reasonable efforts to obtain information and the third party source has failed to respond, BHA shall proceed with the processing of the application using the best available information.
  - b) Each applicant household shall have an interview with a member of the management staff. Every member of the applicant household should be present at the office visit except if there are extenuating circumstances.
5. BHA shall require the applicant to:
  - a) Sign all forms necessary to determine eligibility and suitability;
  - b) Provide verification of income, assets, exclusions and deductions from income;
  - c) Provide verification of family size, age and relationship;
  - d) Disclose the Social Security Numbers of all family members six (6) years of age and older;
  - e) Provide citizenship information;

- f) Provide the names and addresses of the applicant's current and previous landlords for the past three years (or longer if needed to get a minimum of two prior landlords);
  - g) Provide the most recent six (6) month rent receipts where appropriate;
  - h) Provide any other information BHA determines is necessary to determine eligibility for housing at BHA (See Chapter II, D).
6. All verifications and documentation received by BHA for use in the determination of eligibility for housing at BHA will be analyzed by staff and a determination made with respect to;
- a) Eligibility of the applicant family based on the requirements outlined in Section II of this Policy;
  - b) Housing type and unit size requirements;
  - c) Qualification of the applicant family with respect to the Tenant Selection Criteria outlined in Section IIE.
7. Applicants determined to be ineligible for housing at BHA will be promptly notified and will receive a Notice of Ineligibility from the Housing Authority stating the basis for this determination. BHA will provide such applicants with the opportunity for informal review of the decision in accordance with the HUD regulations and the procedure for informal hearing contained in Appendix C of this Policy.
8. Applicants who have disabilities who have been determined to be eligible but who fail the Tenant Selection Criteria will have their cases examined by BHA to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed in accordance with the selection criteria outlined herein.
9. *Changes in Unit Size Determination.* If during the final eligibility determination or at any other time prior to placement, it is determined that the family composition has changed, making the family eligible for a different size unit, the family's application shall be placed on the waiting list for the new unit size based on the original date of the family's pre-application.

#### IV. SELECTION FROM THE WAITING LIST

##### A. Overview

For its federally-assisted public housing, all otherwise eligible applicants will be assigned to the waiting list according to date and time of application, unit size and type required, and preference status determined as described in Sections B and C below.

##### B. Income Targeting

In each fiscal year, BHA shall reserve a percentage of its new admissions for families who are extremely low income. An extremely low-income family is one whose annual income does not exceed thirty percent of area median income. The goal shall be forty percent of new admissions.

The intent of these Income Targeting requirements is to maintain a tenant body in BHA's federal development composed of families with a broad range of income and rent paying ability which is generally representative of the range of incomes of low income families within Bellville.

BHA will monitor admissions to its federally assisted public housing units at the end of each quarter throughout the fiscal year. If, at the end of any quarter, extremely low-income families make up less than forty percent of admissions for the fiscal year to date, BHA will give priority to extremely low-income families in each of the established preference categories until extremely low-income admissions again make up forty percent. Giving priority to extremely low-income families may require skipping families on the waiting list to accomplish BHA's stated goals.

BHA's Deconcentration Policy can be found in Appendix E.

##### C. Offer of a Unit

1. Units will be offered to the applicant with a local preference and earliest application date for that housing type and bedroom size. If the applicant rejects the offer, the applicant's name will be taken off the waiting list.
2. For purposes of this policy, the applicant will not be considered to have been offered a unit if he/she provides clear evidence to the satisfaction of BHA that one of the following circumstances apply:
  - a) The unit is not of the proper size and type, and the applicant would be able to reside there only temporarily.

- b) The applicant is unable to move at the time of the offer because of serious and unusual circumstances which are beyond the applicant's control, and the applicant presents clear evidence which substantiates this to BHA's satisfaction. Examples:
    - A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;
    - A court verifies that the applicant is serving on a jury which has been sequestered.
  - c) Accepting the offer would result in undue hardship to the applicant not related to considerations of race, creed, color, national origin or language, and the applicant presents clear evidence which substantiates this undue hardship to BHA's satisfaction.
3. An applicant must respond to, and accept or reject the offer within five (5) business days from the date the offer is made. If an applicant fails to keep a scheduled appointment to view a unit offered for occupancy or fails to respond to written correspondence from the Housing Authority within five (5) days, for other than a justifiable reason, such failure shall result in removal from the waiting list. The person may reapply at a time that applications are being accepted. However, an applicant will not be eligible for any preference points for a twelve month period commencing with the date the offer is rejected or the applicant failed to respond.

## V. UNIT SIZE AND OCCUPANCY STANDARDS

### A. Appropriate Unit Size

It is the policy of BHA to ensure that the dwelling units are occupied by families of the appropriate size. The following chart outlines the allowable number of occupants per bedroom based on HUD guidelines:

No. of Bedrooms	No. of Persons Min.	No. of Persons Max.
0	1	1
1	1	2
2	2	4
3	3	6

### B. Factors in Dwelling Size Determination

Dwelling units will be assigned so that it will not be necessary for persons of different generations or opposite sex (other than married or cohabitating couples) to share a bedroom. Two children of the same sex may be required to share a bedroom regardless of age, and children of the opposite sex may be required to share a bedroom if one is under the age of three. Children shall generally not be required to share a bedroom with a parent; however, one very young child may share a bedroom with one parent if there are no larger units available for the family. Assignment will take into consideration households who share joint custody of any individual under the age of 18 at least fifty percent of the time. Foster children shall be considered in determining dwelling unit size. No unit assignments will be made that require use of the living room for sleeping.

### C. Reasonable Exceptions in Emergency Situations

The criteria and standards prescribed above apply to all families applying for housing at BHA; however, reasonable exceptions to the standards listed above may be made in emergency situations, and in some cases, relationship, age, gender, health, or disability of family members may warrant assignment of a larger or smaller unit by BHA staff or at the request of the applicant family. Written approval of such cases will be made by the Executive Director or his/her designee.

### D. Requirements for Live-In Aide

Any applicant or tenant who requires a live-in aide, who will be responsible for the essential care and well-being of a family member on a daily basis will be assigned a bedroom to accommodate this aide, provided that the applicant or tenant can show documentation to support the fact that the live-in aide would not be living in the unit except to provide

necessary supportive services. A live-in aide will not be listed on the lease and does not have rights to the unit for continued occupancy as a remaining family member.

E. Handicap Accessible Units

When an accessible unit becomes available, BHA shall offer the unit in the following order:

1. To current BHA tenants who have a disability or handicap who would benefit from the unit's accessible feature(s), but whose current unit does not have such features. If there is more than one current tenant requiring the accessibility features of the available unit, the family with the earliest written request for a transfer shall be selected for the unit.
2. To eligible and qualified households on the waiting list who have a disability or handicap and would benefit from the unit's accessibility features based upon local preference points and the date and time of the application. This is despite the presence on the waiting list of households with preferences and/or earlier application dates who do not require the specific accessibility features of the available unit.
3. To other eligible and qualified households on the waiting list without disabilities. In this case, the household must agree, in writing, to transfer to a non-accessible unit at the request of the Housing Authority.

## VI. LEASE

### A. Lease Execution

At admission, a Lease Addendum for Drug-Free Housing, and a Pet Agreement, if applicable, is to be entered into between the Housing Authority and each tenant family. The lease shall be for a twelve (12) month period and is automatically renewable except for failure to comply with the eight hour service requirement discussed in Section C below. The dwelling lease is to be kept current at all times and is to reflect rent being charged and the conditions governing occupancy.

1. If, for any reason, any signer of the lease ceases to be a member of the tenant family, the lease will be cancelled, and a new lease and Pet Agreement, if applicable, must be executed and signed by a remaining member of the family who qualifies and is determined to be eligible for continued occupancy by BHA.
2. If a tenant family transfers to a different unit operated by the Housing Authority at the sole discretion of BHA, the existing lease may be cancelled and a new lease and Addendum for Drug Free Housing and Pet Agreement, if applicable, executed by the head of household and co-head, if one, for the dwelling unit into which the family is to move.
3. If at any time during the life of the lease, a change in the tenant's status or BHA needs results in the need for changing or amending any provision of the lease, or if the Housing Authority desires to waive any provisions with respect to the tenant, the BHA at its sole discretion will have either:
  - a) The existing lease cancelled and a new lease agreement executed; or
  - b) An appropriate amendment prepared and made a part of the existing lease. The new lease amendment is to be made a part of the permanent tenant file. A lease amendment is to be attached to the existing lease, and must be signed by both the tenant and a Housing Authority representative.

### B. Security Deposits

The Housing Authority will comply with Texas state law, including requirements for: amount of security deposit, exemption from attachment and execution, payment of security deposit and interest at termination of tenancy, action to reclaim security deposit, escrow deposit, payment of interest, investigation of complaints, and penalties. For families where the head, co-head, or spouse is elderly or disabled, a security deposit in the amount of \$75 will be collected. For all other families, a security deposit in the amount of \$100 will be collected.

1. The security deposit is to be paid in full immediately upon execution of the lease. In cases of severe financial hardship, BHA will allow, on a case by case basis, residents to enter into a payment plan for payment of the security deposit not to exceed two months. BHA will hold security deposits on account in accordance with applicable state law.
2. Concerning the payment of the security deposit at the end of tenancy, BHA shall pay to the tenant or former tenant:
  - The amount of any security deposit that was deposited by the tenant with the Housing Authority less the value of any damages suffered as a result of such tenant's failure to comply with such tenant's obligations; and
  - Any accrued interest due on such security deposit at a rate not less than the average rate paid on savings deposits by insured commercial banks as published in the Federal Reserve Board Bulletin.
3. Upon termination of a tenancy, the tenant must notify BHA in writing of his/her tenant's forwarding address. Within thirty days after termination of a tenancy, the Housing Authority shall deliver to the tenant or former tenant at a forwarding address either:
  - The full amount of the security deposit paid by such tenant plus accrued interest (as mentioned above); or
  - The balance of the security deposit paid by the tenant plus accrued interest, after deduction for any damages suffered because of the tenant's failure to comply with the tenant's obligations, together with a written statement itemizing the nature and amount of such damages.
4. If a tenant fails to notify BHA of the his/her forwarding address at the time of move-out, the tenant forfeits his/her claim to any remaining amounts of the security deposit not used to cover unpaid rent and charges or damage.

C. Eight Hour Community Service Requirement

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) effective October 1, 1998, with important exceptions, requires public housing residents to participate for at least eight (8) hours a month in a community service or economic self-sufficiency program. This requirement invokes a provision requiring one (1) year public housing leases to be automatically renewable except for failure to comply with community service requirements.

The list of exemptions provided in the QHWRA includes adults who are 62 years of age or older, persons with disabilities, persons engaged in work activities (as defined by section 407(d) of the Social Security Act), and persons participating in a welfare-to-work program,

or receiving assistance from and in compliance with a state program funded under part A, Title IV of the Social Security Act. For purposes of the community service requirement, an adult is a person 18 years or older.

At the time of initial admission to federal public housing, the Authority will determine and document which adults are exempted from this requirement. Documentation of exempted status will be placed in the resident file. The same standards for verification of exempted status will be used as with other information pertaining to eligibility and tenant selection.

Residents not exempted will be informed of the requirements and provided with a list of approved community service and self-sufficiency activities. Staff will work with each non-exempt resident to determine how each month's requirements will be met and a plan developed that will be placed in the resident file.

Residents may request a change in their status during the year by contacting the Executive Director. For example, a formerly unemployed adult who finds work may request a change in status from the property manager.

#### D. Tenant Orientation

Eligible applicants selected for admission will be required to participate in a mandatory orientation program conducted by BHA to acquaint new tenant families with the following policies and procedures: the Dwelling Lease, Maintenance Procedures, services provided by BHA, resident initiative activities, Grievance Procedures, tenant rights, responsibilities and obligations, the rent collection policy, and the operation of heating, cooling, and plumbing equipment in the units.

Failure to attend a scheduled orientation session without notice to BHA will result in the family's application being placed on the inactive file and the household may be required to reapply for housing.

#### E. Dwelling Unit Inspection Policy

1. *Pre-occupancy.* Prior to occupancy, a BHA representative and the tenant, or his/her representative, will inspect the premises. BHA will furnish the tenant a written statement of the condition of the premises and the appliances provided in the dwelling unit where appropriate. The statement will be signed by BHA representative and the tenant, or representative, and a copy will be kept in the tenant's file.
2. *Three Month.* An inspection of the dwelling unit may be conducted two months after a tenant's move-in date to check needed maintenance, tenant housekeeping, and other lease compliance matters. BHA will furnish the resident with a written statement of any charges, if any, for repairs or removal of non-approved alterations to the apartment.

3. *Annual.* An inspection of each dwelling unit will be conducted on at least an annual basis to check needed maintenance, tenant housekeeping, and other lease compliance matters. BHA will furnish the resident with a written statement of unit conditions and/or any charges, if any, for repairs or removal of non-approved alterations to the apartment.
4. *Special Inspections.* Representatives from HUD and/or other US Government Officials may visit the Authority to monitor operations and as part of the monitoring they may inspect a sampling of the federal public housing inventory,
5. *Move-Out.* Immediately after a tenant moves out, a BHA representative will inspect the dwelling unit. The tenant is encouraged to participate in the move-out inspection and but must contact the management office prior to move-out to schedule a joint inspection. A written statement of the unit conditions and any BHA provided appliances will be signed by both parties.
  - A statement of repair/replacement charges for tenant caused damages and charges for cleaning of the unit and appliances, if necessary will be furnished to the tenant and deducted from his/her security deposit if remittance is not made to BHA.
6. BHA, in its sole discretion, may randomly and periodically inspect units when it believes there are reasonable grounds for an inspection.
7. A copy of the move-in and/or move-out, three month and housekeeping inspection reports will be kept in the tenant files.
8. Annual Unit Inspections and Preventive Maintenance (PM) inspection forms will be kept in the unit maintenance file.

F. Rent, Other Charges, and Rent Adjustments

1. *Rental Payments*

Federal Housing Family Choice of Rental Payments. HUD regulations provide that public housing families can elect annually whether to pay a monthly rent that is a flat rent or income-based rent. BHA establishes the flat rent based on the rental value of the unit. Income-based rents are calculated based on the level of the resident's income and shall be the higher of 10% of income, 30% of adjusted income, the housing portion of the welfare rent or the minimum rent.

Families experiencing hardships may switch from paying flat rents to income-based rents. Incomes of families paying flat rents must be reviewed not less than once every three years; incomes of families paying income-based rents must have income and family composition reviewed annually.

2. *Minimum Rent.* For its federal low-rent housing program, BHA has established \$50 as its minimum Total Tenant Payment.
3. *Flat Rents.* BHA, in compliance with HUD regulations, has implemented flat rents for its public housing units. Annually BHA will conduct an analysis of its public housing units and comparable market-rate units in the area to determine the flat rent to be charged for each bedroom size unit. A minimum of three comparables will be used for the analysis. The analysis will also consider the HUD-published Fair Market Rents (FMRs) for Bellville. The comparison will take into consideration unit location, quality, size, type, age, amenities, housing and maintenance services, and utilities.
4. *Utility Reimbursement.* Any family living in a federally-assisted development whose allowance for tenant paid utilities exceeds the Total Tenant Payment will receive a payment from the Housing Authority equal to the amount by which the allowance exceeds the Total Tenant Payment.
5. *Maintenance Charges.* Schedules of charges for maintenance repairs and other services shall be publicly posted in a conspicuous place in the management office and shall be furnished to applicants and tenants upon request. The Housing Authority will notify tenants in writing when such charges are assessed. These charges shall become due and payable fourteen (14) days after such notice has been given to the tenant. A copy of all work orders for tenant abuse are filed in the tenant file.
6. *Late Charges.* A charge of \$10 plus attorney, sheriff and court fees and costs shall be assessed when rent or other charges are not paid on or before the 10th day of the month for a first violation in a twelve month period. This charge is due immediately. If rent or other charges are not paid by the 20<sup>th</sup> day of the month, a charge of \$20 shall be assessed.

## **VII. REEXAMINATION OF INCOME AND FAMILY COMPOSITION, ADJUSTMENTS AND OTHER REQUIREMENTS**

### **A. Reexamination Procedures**

1. The income, allowances and family composition of tenant households electing an income-based rent shall be reexamined at least once a year in accordance with an established reexamination schedule. Residents electing to pay a flat rent shall have income reexamined every three years. Reexaminations determine the tenant's monthly rent, eligibility for continued occupancy and the required unit size. The Housing Authority follows all pertinent HUD regulations in its completion of reexaminations. On an annual basis, each resident family will be provided the opportunity to choose between an income-based or flat rent.
2. Each year prior to a resident's anniversary date, BHA will send a formal letter offering a choice between a flat rent and an income-based rent and scheduling the date/time of the reexamination interview. At the appointment, the Housing Authority will assist the family in identifying the rent method that would be most advantageous for the family. If the family chooses to select the flat rent without meeting with the Authority, they may make this selection on the notice described below and return the form to BHA. In such cases, BHA will cancel the reexamination appointment.

The annual notice sent to all current residents regarding the reexamination process will state the following:

- Each year at the time of the annual reexamination, the family has the option to pay a flat rent amount or having their rent based on income.
- The amount of the applicable flat rent.
- The amount of the current income-based rent based on the most current information available.
- A fact sheet about income-based rent which lists and explains the types of income included, the most common types of income excluded, and the categories of allowances that are deducted from income.
- Families who choose to continue to pay a flat rent are required to go through the income reexamination process every three years, rather than annually for residents paying an income-based rent.
- Families who choose a flat rent may request to have a special reexamination and return to an income-based rent at any time for the following reasons:

- The family's income has decreased.
  - The family's circumstances have changed and expenses have increased for child care, medical care, etc.
  - Other circumstances which have created a hardship for the family such that an income-based rent would be more financially feasible at this time.
- The date and time of the annual reexamination appointment.
  - The name and phone of an individual to call to get additional information and guidance on flat and income-based rents.
  - A certification for the family to sign accepting the flat rent.
3. At the time of the reexamination (annually or every 3 years), families must provide the Housing Authority with all necessary information to verify income and family composition and sign all required certification forms and the Authorization for Release of Information form.
  4. In the event that a tenant household fails to keep a scheduled reexamination appointment or promptly submit all necessary information, he/she shall be given ten (10) days from the date of written notification to provide BHA with the required information.

In the event the tenant fails to participate in the interview and/or to provide information required by BHA, the Housing Authority may establish the tenant's rent based upon local market rents or actual operating cost which ever is higher until the matter is resolved and/or terminate the tenant from the program.

Employment and income data, assets, full-time student status, medical expenses (elderly and disabled state moderate families only), child care expense, and handicapped assistance expenses will be verified, documented and placed in the tenant's folder.

Third party written verifications will be obtained whenever possible. When the BHA and tenant household have made all reasonable effort to obtain third party written verifications, documents obtained from the tenant and photocopied is an acceptable form of verification, when not prohibited by law. If photocopying is prohibited by law, Housing Authority staff will sign a statement confirming that the verification documents were viewed by recording the document source, date, time, amount, etc. Oral third party verifications are also acceptable, if properly documented. When such documents cannot be photocopied or orally verified, BHA will proceed with processing using the best possible documentation and information available. All verifications will be maintained in the tenant's folder.

Verified information will be analyzed and a determination of rent and of the appropriate unit size made.

5. *Determination of Compliance with Community Service Requirements.* The Authority will determine on an annual basis whether adult residents subject to the eight (8) hours a month service requirement are in compliance. Staff will also determine if adult residents originally exempt from the requirements have become non-exempt (see Section VI). Adult residents who, because of the annual review, are determined to be non-exempt will be provided with a list of BHA approved community service and self-sufficiency activities and a Plan developed and placed in the resident file. For residents paying a flat rent, the review will be performed and appropriate action taken by the Executive Director 12 months after the initial status determination and every 12 months thereafter.

If a resident is determined to be non-compliant with the monthly community service requirement, the Housing Authority will notify the family of the following:

- The family member(s) determined to be non-compliant.
- That the determination is subject to the grievance procedure.
- That, unless the family member(s) enter into an agreement to comply, the lease will not be renewed or will be terminated.

The Housing Authority will offer the non-compliant family member(s) the opportunity to cure the non-compliance by making up the deficient hours over the next 12-month period. The Housing Authority will assist the family member(s) in identifying community service opportunities and will track compliance on a monthly basis. The non-compliant adult and the head of the household will be required to sign an agreement that continued non-compliance will result in the eviction of the entire family, unless it is proven to the satisfaction of BHA that the non-compliant adult is not longer a member of the household.

6. *Temporary Rent Determinations and Special Reexaminations.* When it is not possible to determine the anticipated annual income with any reasonable degree of accuracy at the time of admission or reexamination, a temporary determination of income and rent will be established, giving due consideration to the tenant's past income and other available information. An interim reexamination will be scheduled to take place within 30 days for most households, and within 90 days for households where annual income is zero or difficult to predict. The tenant is to be notified in writing of the date of the special reexamination.

Special reexaminations will continue to be scheduled until a reasonable estimate of the Adjusted Income can be made. Rents determined at special reexaminations shall be made effective the first of the second month following the final rent determinations. Until

the final rent determination can be made, the family will pay rent based upon the existing Adjusted Income.

If the Total Family Income can be reasonably estimated at the time scheduled, the reexamination is to be completed and actions taken as appropriate to adjust the Tenant Rent amount.

## 7. *Changes in Rent*

### a) Limit on rent increases.

- (i) Federal housing regulations preclude BHA from increasing a qualified family's rent as a result of an increase in income due to employment during the cumulative twelve (12) month period beginning on the date a member of the family is employed or experiences an increase in annual income due to employment. A qualified family is a family currently living in public housing whose:
- annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or
  - annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
  - annual income increases as a result of new employment or increased earnings of a family member, during or within six (6) months after receiving assistance, benefits or services under any state program for Temporary Assistance for Needy Families (TANF) funded under Part A of Title IV of the Social Security Act, as determined by BHA in consultation with the local TANF and Welfare to Work agencies.
- (ii) During the second cumulative twelve (12) month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income due to employment, BHA will exclude from annual income 50% of any increase in annual income attributable to employment over the income of that family member prior to the beginning of employment.
- (iii) Maximum four-year disallowance. BHA will limit the disallowance of increased income of an individual family member outlined in (i) and (ii) above to a lifetime 48-month period. The disallowance of increased income is limited to a maximum of 12 months under (i) and a maximum of

12 months under (ii) above, during the 48-month period beginning from the initial exclusion.

- (iv) This disallowance of increases in income as a result of employment does not apply for purposes of admission to the public housing program(including the determination of income eligibility and income targeting).

- b) *Loss of Welfare Benefits.* If a family’s welfare benefits are reduced, in whole or in part, for a family member because of fraud or because of a welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, BHA will not reduce the rent to reflect the lost benefit. BHA will include in the family’s annual income for purposes of determining rent, an imputed welfare income. Imputed welfare income is the amount of annual income not actually received by a family as a result of a welfare benefit reduction, that is included in the family’s income for purposes of calculating rent.

BHA will request from the welfare agency the amount and term of any specified welfare benefit reduction for a family member and will use this information to determine the amount of the imputed welfare income for a family.

- BHA may deny a request for a rent calculation only after obtaining written verification from the welfare agency that the family’s benefits have been reduced for one of the reasons stated above.
- Residents subject to the imputed welfare income requirement and who disagree with the determination may request a grievance hearing in accordance with BHA’s Grievance Procedure. The tenant is not required to pay an escrow account deposit for the portion of the tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing.
- This restriction does not apply if the reduction in benefits is a result of:
  - The expiration of a lifetime time limit on receiving benefits; or
  - A situation where the family has complied with welfare program requirements but cannot obtain employment (e.g., the family has complied, but loses welfare because of a duration time limit such as a cap on welfare benefits for a period of no more than two years in a five year period).

- BHA will not include imputed income in the annual income of a family who was on the waiting list at the time the sanction was imposed by the welfare agency.
- c) Increases in rent shall be effective on the scheduled reexamination effective date, with 30 days advance notice, provided the tenant has complied with all reporting requirements. When the tenant has failed to attend interviews or to provide required information, the Housing Authority may increase the rent retroactive to the reexamination effective date, and the balance of such retroactive rent adjustment must be paid within ten (10) days of notification. Retroactive charges shall not be made when delays are solely the fault of BHA.
- d) Decreases in rent shall take effect on the first of the month after the month in which the change was reported and verified.

8. *Minimum Rent Hardship Exemption*

- a) BHA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship for the following reasons:
  - (i) The family has lost eligibility for, or is awaiting for an eligibility determination from a federal, state, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Naturalization Act who would be entitled to public benefits under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
  - (ii) The family would be evicted as a result of the implementation of the minimum rent (this exemption is only applicable for the initial implementation of a minimum rent or increase to the existing minimum rent).
  - (iii) The income of the family has decreased because of changed circumstance, including loss of employment.
  - (iv) A death in the family has occurred which affects the family circumstances.
  - (v) Other circumstances which may be decided by BHA on a case-by-case basis.

All of the above must be proven by the resident by providing verifiable information in writing to BHA prior to the rent becoming delinquent and before the lease is terminated by BHA.

- b) If a resident requests a hardship exemption (prior to the rent being delinquent) under this section, and the Housing Authority reasonably determines the hardship to be of a temporary nature (three months or less), exemption shall not be granted during a ninety-day period beginning on the date of the request for the exemption. A resident may not be evicted during the ninety day period for non-payment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long term basis (over three months), BHA shall retroactively exempt the resident from the applicability of the minimum rent requirement for a ninety-day period. This paragraph does not prohibit BHA from taking eviction action for other violations of the lease.

B. Eligibility for Continuing Occupancy

Only those tenants meeting all of the following requirements will be considered eligible for continued occupancy:

1. Qualify as a family or the remaining member of a tenant family.
2. Have exhibited appropriate conduct since residing in public housing including:
  - Have not interfered with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare;
  - Have not adversely affected the physical environment of the community;
  - Have not adversely affected the financial stability of the development;
  - Have not illegally used a controlled substance or engaged in drug-related criminal activities on or off the premises; and
  - Have not interfered with the health, safety, or right to peaceful enjoyment of the premises by other tenants because of the abuse of alcohol.
3. Have abided by the terms and conditions of the lease and the Drug-Free Housing Addendum and any other addenda to the lease.
4. Have signed any required new or existing lease addendum such as the Drug-Free Housing Addendum.
5. Have complied with the Eight Hour Per Month Service requirement, if applicable. BHA will determine on an annual basis whether non-exempt residents are in compliance.

C. Interim Reexaminations

1. *Reasons for Interims.* Any of the changes listed below must be reported to BHA Management within ten (10) days of their occurrence. Failure to report changes as required may result in a retroactive rent charge and/or eviction action against the tenant. Tenants must report the following:
  - a) All BHA residents must report any change in household composition.
2. Tenants may report the following changes which would result in a decrease in the family's rent:
  - a) Decrease in income expected to last at least 30 days; and
  - b) Increase in allowances or deductions.
3. An interim reexamination may also occur should it be found that the tenant has misrepresented the facts upon which the family's rent is based, so that the rent being paid is less than what should have been charged.
4. *Effective Dates.* For interim reexaminations, increases in rent shall become effective on the first day of the second month following the month the change was reported, provided the change was reported within ten days of its occurrence and the family complies with the verification requirements and completes a reexam. Decreases in rent shall take place on the first day of the month following the month in which the change is reported and verified. The effective dates of changes that are not reported in a timely manner are covered in Item #5 below.
5. *Errors/Omissions, Misrepresentations/Failure or Delay in Reporting Changes* (in the interest of brevity, the word "error" is used in this section to represent errors, omissions, misrepresentations, and failure to report changes). If an error in rent is revealed at any time, an appropriate adjustment will be made to correct the error as follows:
  - a) Errors which are the fault of the tenant:
    - Increased rent shall be retroactive to the first day of the month following the date the change occurred.
    - Decreased rent shall be effective on the first day of the month following the month the change was reported.
  - b) Errors not the fault of the tenant:
    - Increased rent shall be made effective the first day of the second month following the date the error was discovered.

- Decreased rent shall be made retroactive to the date of the rent adjustment in which the error occurred.

D. Changes in Household Composition

1. The tenant is required to report in writing any change in household composition within ten (10) days of the change.
2. A new born child, an adopted child under 10 years old, or a child under 10 years old for whom custody has been awarded by a court to the Head of the Household or the spouse may be added to a tenant's lease. No other new household member may be added to the tenant's lease unless and until that person has provided the required information to the Housing Authority and been determined eligible for admission according to the guidelines specified in Section II of this policy and a unit of the appropriate size is available. The Housing Authority has the right to deny admission to any person found to be ineligible.
3. A tenant must provide documentation as required by BHA when reporting that a family member has vacated the household. In the case of an income producing household member or any member which the BHA has reasonable cause to believe has been involved in criminal activity or drug-related criminal activity, BHA will require at least two documents verifying the new address of the departing family member or other evidence deemed acceptable by BHA. Utility bills, a driver's license, an automobile registration, an employer's verification, or a lease or a rent receipt bearing the family member's name, new address and a date are examples of acceptable evidence. Court papers indicating that a family member has left the household such as a Petition for Dissolution of Marriage, a Petition for an Order of Protection from Abuse, or a Petition for Legal Separation may also be acceptable.
4. A tenant eligible for a transfer to a larger or smaller unit as the result of approved changes in household composition may request a transfer and be placed on the master transfer list effective the date the transfer request is approved (see Section VIII). A tenant reporting a decrease in household size which changes the unit size for which the family is eligible will not be required to be placed on the transfer list until the effective date of the family's next annual reexamination.

E. Visitors

Tenants will be allowed to have visitors for a period of up fourteen (14) cumulative days in any one calendar year (twelve month period), except in the case of a family member requiring care during illness or recuperation from illness or injury as certified by a physician. Written permission must be obtained from the Housing Authority for any deviation from the occupancy standards listed in this policy.

## VIII. UNIT TRANSFERS

### A. Introduction

1. Transfers of tenants from one unit to another will be approved solely in accordance with this policy.
2. Transfers shall be made without regard to race, creed, color, gender, familial status, disability or national origin.
3. Tenants shall not be transferred to a dwelling unit of equal size except for transferring a non-handicapped family residing in a handicap-accessible unit or for alleviating hardships or other undesirable conditions as determined by the Executive Director or designee.
4. Transfers will only be made when tenants are not delinquent in rent, have good housekeeping habits, have not caused damage to the current unit being occupied, and do not have long standing charges remaining on their accounts.
5. Transfer requests shall be placed on a Transfer List in the order of the date the request is approved. All transfer requests shall be reviewed by the Executive Director or his/her designee.
6. With the exception of transfers related to modernization activity or in the case of an emergency, a tenant family transferring from one apartment to another is responsible for any costs associated with moving to the new apartment.

### B. Type of Transfers

The BHA has three types of transfers: Emergency – Category 1 and Administrative - Category 1 and 2.

1. *Emergency Transfers, Category 1*, are permitted when the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by BHA. Emergency transfers may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency, protect members of the household from attack by the criminal element in a particular property or neighborhood. These transfers shall take priority over new admissions.
2. *Administrative Transfers, Category 1*, include transfers to alleviate verified medical problems of a serious nature, permit modernization of units, permit a family that requires a unit with accessible features to occupy such a unit, move a family that is underhoused,

remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency), or provide housing options to residents who are victims of hate crimes or extreme harassment. These transfers shall take priority over new admissions.

- a) Requests for transfers under Category 1 will be made to the Executive Director. The resident will provide the Executive Director with the necessary verification and/or documentation to substantiate the need for a transfer. Transfers may also be initiated by BHA.
3. *Administrative Transfers, Category 2*, may be made to correct occupancy standards (over housed conditions), or to address situations such as neighbor disputes that are not criminal but interfere with the peaceful enjoyment of the unit or common areas. These transfers will not automatically take priority over new admissions.
- a) Transfers to correct occupancy standards may be recommended at time of re-examination or interim redetermination. This is the only method used to determine over/under housed status.
  - b) Residents in an over/under housed status will be advised within 30 days of the annual or interim reexamination that a transfer is recommended and that the family has been placed on the transfer list.
  - c) When a head of a household, originally housed in a bedroom by him/herself, has a child, that child shall remain in the parent's bedroom until he/she is two (2) years of age. After age 2, a Category 2 Administrative Transfer may be recommended.

#### C. Unit Offers

1. A tenant that has received a formal transfer offer is given seven (7) days to accept the offer and sign a Dwelling Lease for the new unit. Thereafter, the tenant is given an additional seven (7) days to move personal belongings. If the transfer has not been completed and keys to the former unit returned after seven (7) days, per diem rent for the former unit will be charged in addition to rent for the new unit until the keys are returned to BHA. However, for Authority-initiated moves for over and underhousing, the Authority shall provide at least sixty (60) days advance notice of its intention to transfer such a tenant prior to a tenant receiving a formal transfer offer.
2. If the tenant refuses a unit offer, the tenant's lease may be terminated in accordance with the lease, or at BHA's discretion, the tenant can be placed at the bottom of the transfer list as of the date of refusal and the tenant will be notified in writing. During the entire proceedings, the tenant will be advised of his/her rights under the Grievance Procedure.

#### D. Extended Family

Members of an extended family living in a BHA unit may not be separated into two dwelling units through a transfer application. Specific family members may apply for a separate unit using the application procedures described in this Policy. Members of such a family will receive no preference on the standard waiting list as a result of occupancy in a BHA unit.

E. Revision or Suspension of Transfer Policy

The Housing Authority reserves the right to revise or suspend its Transfer Policy because of efforts to decrease vacancies or any other management initiative. Transfers during such times will be treated on a case-by-case basis solely at the discretion of the Executive Director.

## IX. TERMINATIONS

### A. Termination Notices

1. The tenant must give a written notice to the Housing Authority of at least 30 days of intent to terminate the lease.
2. If the Housing Authority terminates the lease of a tenant household in federally-assisted housing, written notice must be given to an adult member of the household as follows:
  - a) When the health or safety of other tenants or employees of the Authority is threatened, notice of BHA's intention to terminate the lease in reasonable amount of time considering the seriousness of the situation. The Tenant and Authority agree that seven (7) days is reasonable time for any drug-related criminal activity on or off the premises.
  - b) In the case of failure to pay rent which includes all payments due under the lease, notice of BHA's intention to terminate the lease in fourteen (14) days unless all amounts due under the lease have been paid before that date.
  - c) In all other cases, notice of BHA's intention to terminate the lease in at least thirty (30) days.
3. Notice of termination to the tenant shall state reasons for the termination and shall inform the tenant of the right to make such reply as tenant may wish. The notice shall also inform the tenant of the right to examine, prior to hearing or trial, and copy at tenant's expense, Housing Authority documents directly relevant to the termination. The notice shall inform the tenant of the right to request a hearing in accordance with Housing Authority's Grievance Procedure (if the Grievance Procedure is applicable to the dispute involved).

### B. Reasons for Termination

The Housing Authority may not terminate or refuse to renew the lease except for serious or repeated violations of the terms of the lease including, but not limited to:

1. The failure to pay rent or other payments when due;
2. Repeated late payment, which shall be defined as failure to pay the amount of rent or other charges due by or on the 10th of the month. Three such late payments within a twelve month period shall constitute repeated late payment;

3. Failure to pay electric, gas or heating bills when Tenant is responsible for paying such bills directly to the supplier of utilities;
4. Misrepresentation of family income, assets, or composition at the time of admission or anytime thereafter;
5. Failure to supply, in a timely fashion, any certification, release, information or documentation on family income, assets or composition needed to process re-examinations or interim re-determinations;
6. Serious or repeated damage to the apartment, creation of physical hazards in the apartment, common areas, grounds or parking area of the Housing Authority's property;
7. Behavior and/or activity by Tenant, household member, guest or visitors which disturb other residents' peaceful enjoyment of their apartments; and/or is not conducive to maintaining all BHA projects in decent, safe and sanitary conditions;
8. Drug-related criminal activity by the Tenant, household member, guest or visitor on or off the premises. With respect to a public housing resident convicted of manufacturing or producing methamphetamine on the premises, eviction shall be permanent. Premises shall be defined as the building or complex in which the dwelling is located, including common areas and grounds;
9. Criminal activity by Tenant, household member, guest or visitor including criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Authority's public housing premises by other residents or employees, or any drug-related criminal activity on or off the premises;
10. Alcohol and/or controlled substance abuse that the Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
11. The presence of weapons or illegal drugs in the resident's apartment;
12. Any fire on Housing Authority premises caused by the tenant, household members guests or visitors' by their own actions or neglect;
13. Uninhabitable apartment conditions caused by the tenant, household member, guests or visitors' by their own actions or neglect;
14. Refusal of an offer of a new lease;

15. Failure to accept a transfer when currently residing in a unit that is too large or too small for the family based on the Housing Authority's Occupancy Standards or to accommodate an administrative need of BHA including but not limited to the disposition, demolition or modernization of the unit;
16. Abandonment of the unit;
17. Failure to comply with the Eight Hour Service Requirement as determined appropriate by BHA; and
18. Other serious or repeated violations of any material term of this lease.

C. Written Records

Written records documenting eviction actions shall be maintained by the Housing Authority in strict confidence and shall contain all of the following information:

1. Name of tenant and identification of unit occupied.
2. Copies of the Termination Notice and any subsequent correspondence or notices.
3. Specific reason(s) for eviction. For example, if a tenant is being evicted for drug-related criminal activity, the record shall detail the actions for which the eviction has been instituted.
4. Responses or answers, if any, received from the tenant.
5. Date and method of notifying tenant of reasons and showing a summary of any conference(s) with the tenant, including the names of conference participants.
6. Dated and signed records of the minutes of any hearing held.
7. Date and description of the final action taken.

D. Abandonment of the Unit

The Housing Authority will comply with Texas state law, including requirements for posting and mailing notices of intent to declare a unit abandoned, taking possession of the unit, and the timing and method of disposal of items left in the abandoned unit.

1. A vacated or abandoned apartment may be evidenced by the residents' removal of substantially all possessions or being absent from the unit for 21 consecutive days and either (a) failing to pay rent for two months or (b) making an express statement that the

family does not intend to occupy the unit after a specific date. In these cases, BHA may send notices to each occupant at the last-known address, stating that:

- There is reason to believe that the occupant has abandoned the dwelling unit;
  - That BHA intends to reenter and take possession of the dwelling unit unless the occupant contacts BHA within ten days of receipt of the notice;
  - If the occupant does not contact BHA, the Housing Authority intends to remove any possessions and personal effects remaining in the premises and to reenter the premises; and
  - If the occupant does not reclaim such possession and personal effects within thirty days after the notice, they will be disposed of in accordance with state policy.
2. If the notices are returned as undeliverable, or the occupant fails to contact BHA within ten days of the receipt of the notice, the Housing Authority may reenter and take possession of the dwelling unit, at which time any rental agreement or lease still in effect shall be considered to be terminated.
  3. BHA shall take inventory of any possessions and personal effects of the occupant on the premises and shall remove and keep them for not less than thirty days. The occupant may reclaim such possessions and personal effects from BHA within the said thirty-day period. If the occupant does not reclaim such possession and personal effects by the end of the said thirty-day period, the Housing Authority may dispose of them in accordance with Texas state law.

**X. POSTING REQUIREMENTS/REVISIONS**

A. Posting Requirements

This document must be publicly posted in a conspicuous location in the administrative office and must be furnished to applicants and tenants upon request.

B. Revisions

This document may be modified by the Housing Authority provided that the Housing Authority shall give at least a 30-day written notice to each affected tenant setting forth the proposed modification, the reasons therefore, and providing the tenant an opportunity to present written comments which shall be taken into consideration by the Housing Authority prior to the proposed modification becoming effective. A copy of such notice shall be:

1. Delivered directly or mailed to each tenant; or
2. Posted in a conspicuous place at the site offices or in a similar central business location within the site.

**XI. REVISION OF OCCUPANCY POLICY RESULTING FROM CHANGES IN LOCAL, STATE, OR FEDERAL LAW OR REGULATION**

The provisions of this plan are based upon local, state and federal law and regulation. Should any applicable law or regulation change, this plan will be deemed automatically revised. To the extent that the change is mandatory (allowing no Housing Authority discretion), the text of the plan will be revised without requirement for administrative processing. By approving this provision, the Board of Commissioners understands that they are approving future automatic revisions responding to mandatory regulatory changes.

## **XII. MISREPRESENTATION**

The tenant shall be notified in writing if the Housing Authority finds evidence that the tenant or any adult member of the tenant family has misrepresented facts affecting the family's eligibility or rent. Willful misrepresentation of facts may result in retroactive rent charges, eviction action, and/or criminal prosecution.

Section 1001 of Title 18 of the United States Code makes it a criminal offense to knowingly make a false statement to any department or agency of the United States as to any matter within its jurisdiction and establishes penalties or fines up to \$10,000 and/or imprisonment not to exceed five years.

### **XIII. GRIEVANCE PROCEDURE**

The Grievance Procedure sets forth the requirements, standards, and criteria established to assure the tenants of BHA an opportunity for a Hearing if he or she disputes any Housing Authority action or failure to act involving the tenant's lease or Housing Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

Each tenant and tenant organization shall be given a copy of the Grievance Procedure and it is incorporated into this Policy on Admissions and Continued Occupancy and the lease by reference.

**XIV. PET POLICY**

BHA's Pet Policy establishes the rules and guidelines by which residents may keep domestic pets in their dwelling units and is incorporated by reference into this Policy.

Each tenant requesting permission to own and keep a pet shall be provided a copy of the Policy and be required to sign a Pet Agreement at initial occupancy or at the time of initial request for a pet and every year at time of reexamination or as otherwise required by BHA.

## **XV. RELOCATION**

When BHA intends to rehabilitate a development and rehabilitation activities will require tenants to move temporarily or permanently, a Relocation Plan will be developed in cooperation with the affected tenants. The plan will dictate preferences to which relocatees will be entitled and their rights to housing choices, moving expenses, etc. Such preferences may affect the order of selection for applicants and transferees, and the Relocation Plan, therefore, will serve as an amendment to this policy.

## APPENDICES

APPENDIX A  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
UTILITY ALLOWANCES (ELECTRIC)

Zero Bedroom Units .....	\$21.00
One Bedroom Units .....	\$26.00
Two Bedroom Units .....	\$31.00
Three Bedroom Units .....	\$36.00

APPENDIX B  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
SCHEDULE OF FLAT RENTS

Zero Bedroom Units .....	\$110.00
One Bedroom Units .....	\$220.00
Two Bedroom Units .....	\$268.00
Three Bedroom Units .....	\$368.00

APPENDIX C  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
INFORMAL REVIEW PROCEDURES

APPLICANTS FOR PUBLIC HOUSING ONLY

I. Applicability:

- A. The Housing Authority will provide an opportunity for an informal review regarding a decision denying assistance to an applicant, including a decision:
  - 1. Denying placement on the waiting list.
  - 2. Denying participation in the Public Housing Program
  - 3. Denying a preference in determining eligibility for the Public Housing Program.
- B. The Housing Authority is not required to provide an opportunity for informal review:
  - 1. To review discretionary administrative determinations by the Housing Authority, or to consider general policy issues or class grievances.
  - 2. To review the Housing Authority's determination of the number of bedrooms determined under the standards established by the Housing Authority in accordance with HUD regulations.

II. Procedures:

- A. The Housing Authority shall give an applicant prompt written notice of a decision denying assistance to the applicant, including a decision of ineligibility for housing, ineligibility for any of the selection preferences adopted by WHA, or removal from or denying placement on the waiting list. The notice shall also state that the applicant may request in writing an informal review of the decision, and shall describe how to obtain the informal review.
- B. The applicant must submit a written request for an informal review within ten (10) days of notification of the decision denying assistance.
- C. If the applicant's request is not submitted within ten (10) days or in another way fails to comply with requirements, the request will be denied and the applicant will be promptly notified in writing.

- D. If the request meets the criteria, an informal review will be scheduled within thirty (30) days of the request.
- E. The informal review shall be conducted by any person or persons designated by the Executive Director, other than a person who made or approved the decision under review or a subordinate of such person.
- F. The applicant shall be given an opportunity to present written or oral objections to the Housing Authority's decision.
- G. The Housing Authority shall promptly notify the applicant in writing of the final decision after the informal review, including a brief statement of the reasons for the final decision. If an applicant is successful in his/her appeal, BHA shall restore or upgrade his/her application on the waiting list, as applicable.

APPENDIX D  
PUBLIC HOUSING ADMISSIONS AND CONTINUED OCCUPANCY POLICY  
GLOSSARY OF TERMS

ADJUSTED INCOME. Annual Income minus applicable allowances.

For federally-assisted housing, as defined in 24CFR Part 5.

ALLOWANCE FOR DEPENDENTS

\$480 deduction for each family member who is a dependent. (See definition of Dependent below.)

ADULT

A person, 18 years of age or older, or an emancipated minor whom the members of the family have routinely looked to as the head of the family, and who is legally competent to sign a binding agreement.

ALLOWANCE FOR DISABILITY ASSISTANCE EXPENSES

The amount of Disability Assistance Expense in excess of three (3) percent of annual income which enables a family member (including the handicapped or disabled person) to work. The allowance may not exceed the annual income earned by the family member who is enabled to work. Disability assistance expenses include costs for care attendants and auxiliary apparatus (e.g., wheelchairs, adaptations, to vehicles, special equipment) if directly related to permitting the handicapped person or other family members to work.

ALLOWANCE FOR MEDICAL EXPENSES

For elderly families (see definition of Elderly Family below) or families living in state moderate housing only the amount of unreimbursed medical expenses (see definition of Medical Expenses below) in excess of three (3) percent of annual income.

ANNUAL INCOME

1. Annual income is the anticipated total income from all sources received by the family head and spouse (even if temporarily absent) and by each additional member of the family, including all net income derived from assets for the 12-month period following the effective date of initial determination or re-examination of income, exclusive of income that is temporarily non-recurring or sporadic. Annual income includes, but is not limited to:

- a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- b. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family.
- c. 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. All allowance for depreciation is permitted only as authorized in paragraph 1b of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets exceeds \$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 or state regulations as applicable.
- d. 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, including a lump-sum amount or prospective monthly amount for the delayed start of a periodic payment (except as provided in 2n below).
- e. Payments in lieu of earnings such as unemployment and disability compensation, worker's compensation and severance pay.
- f. Periodic and determinable income or allowances, such as alimony and child support payments and regular contributions, lottery winnings, or gifts received from persons not residing in the dwelling.
- g. All regular pay, special pay allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family or spouse (but see 2g below).

2. Income Exclusions

Annual income does not include the following:

- a. Income from employment of children (including foster children) under the age of 18 years;

- b. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- c. Lump-sum additions to family assets, such as inheritances, lottery winnings, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in 1e above);
- d. Amounts received by the Family that are specifically for, or in reimbursement of, the cost of Medical Expenses for any Family member;
- e. Income of a live-in aide as defined in 24 CFR 5.403;
- f. The full amount of student financial assistance paid directly to the student or to the educational institution;
- g. The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
- h.
  - (i) Amounts received under training programs funded by HUD;
  - (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
  - (iii) Amounts received by a tenant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program; or
  - (iv) A resident service stipend: this is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for WHA, on a part-time basis, that enhances the quality of life in public housing. This may include, but is 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; or
  - (v) Incremental earnings and benefits resulting to any family member resulting from participation in qualifying State or local employment training programs (including training programs not affiliated with the local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
- i. Temporary, non-recurring or sporadic income (including gifts);

- j. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- k. For federally-assisted housing, earnings in excess of \$480 for each full-time student 18 years or older (excluding the head of household and spouse);
- l. Adoption assistance payments in excess of \$480.00 per adopted child;
- m. The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, state or local law during the exclusion period;

For the purposes of this paragraph, the following definitions apply:

- (i) Comparable Federal State or local law means a program providing employment training and supportive services that (1) is authorized by a Federal, State or local law; (2) is funded by the Federal, State or local government, (3) is operated or administered by a public agency; (4) has as its objective to assist participants in acquiring employment skills.
  - (ii) Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
  - (iii) Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
- n. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump-sum amount or in prospective monthly amounts;
  - o. 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;
  - p. 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;
  - q. 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 1937 Act. The following is a list of incomes that qualify for that exclusion:

- (i) The value of the allotment provided to an eligible household under Food Stamp Act of 1977;
- (ii) Payments to volunteers under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, Youthful Offender Incarceration Alternatives, Senior Companions);
- (iii) Payments received under Alaska Native Claims Settlement Act;
- (iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes;
- (v) Payments or allowances made under department of Health and Human Services' Low-Income Energy Assistance Program;
- (vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act;
- (vii) Income derived from the disposition of funds of Grant River Band of Ottawa Indians;
- (viii) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Grant of Claims or from funds held in trust for an Indian tribe by the Secretary of Interior;
- (ix) 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 BIA student assistance programs. These are made available to cover the cost of tuition, fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of a student or an educational institution;
- (x) Payments received from programs funded under Title V of the Older Americans Act of 1965;
- (xi) Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, MDL No. 381 (E.D.N.Y.)
- (xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-426, 94 Stat. 1785).
- (xiii) The value of any childcare provided or reimbursed for under the Child Care and Development Block Grant Act of 1990.
- (xiv) Earned income tax credit.

If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for shorter periods may be annualized, subject to redetermination at the end of the shorter period.

Any family receiving the reparation payments referred to in paragraph 2j of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

## APPLICANT

An applicant is a Family who is seeking assistance through the Public Housing Program and who does not yet have a fully executed lease agreement with the Housing Authority.

## APPLICATION FOR ADMISSION

The written form that is signed and dated by all adult members of the family and which includes information the Housing Authority needs to determine whether the family can be admitted. The format for this basic information will be developed by the Housing Authority.

## ASSETS

The values of (or equity) in the real property, stocks, bonds, checking and savings accounts or certificates, stocks or merchandise or valuables and other forms of capital investments (Not including personal and household belongings and automobiles). Assets shall include any asset disposed of at less than fair market value within the last two years.

## CHILD CARE EXPENSES

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period of which annual income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his/her education. A child care deduction will not be allowed if an adult family member is capable and available to provide the child care. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment and only to the extent such amounts are not reimbursed.

## CITIZEN

A citizen or national of the United States.

## DEPENDENT

A member of the family household (excluding foster children, head of household, or spouse) who is under 18 years of age or is a disabled person or is a full-time student.

## DISABLED PERSON

A person who is under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) which defines a developmental disability.

Section 223 of the Social Security Act defines disability as:

“(a) the 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 12 months; or (b) in the case of an individual who has attained the age of 55 and is blind, the inability by reason of such blindness to engage in substantial gainful activity requiring the skills or abilities comparable to those of any gainful activity in which he/she has previously engaged with some regularity and over a substantial period of time.”

Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) defines a developmental disability as:

"severe chronic disability that (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age twenty-two; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (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 extended duration and are individually planned and coordinated."

#### DRUG-RELATED CRIMINAL ACTIVITY

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

#### ELDERLY FAMILY

A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living one or more live-in aides.

#### ELDERLY PERSON

A person who is at least 62 years of age.

## EVICTION

The dispossession of the tenant from an apartment as a result of the termination of the lease, for serious or repeated violation of material terms of the lease such as failure to make payments due under the lease or to fulfill the tenant obligations set forth in HUD regulations, Federal, and state law, or for other good cause.

## EVIDENCE OF CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

The documents required of family member claiming U.S. citizenship or eligible immigration status.

## EXTREMELY LOW INCOME FAMILY

A family receiving income at or below 30% of the median annual income for their area.

## FAMILY

Family includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- b. An elderly family;
- c. A near-elderly family;
- d. A disabled family;
- e. A displaced family;
- f. The remaining adult member of a tenant family; and
- g. For federally-assisted housing only, a single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

## FOSTER-CARE PAYMENT

Payment to eligible households by state, local or private agencies for the care of a child placed in the home by an agency.

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. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

HANDICAPPED/DISABILITY ASSISTANCE EXPENSE

Reasonable expenses in excess of three (3) percent of annual income that are anticipated during the period for which annual income is computed for attendant care and auxiliary apparatus for a disabled family member and expenses that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

HEAD OF HOUSEHOLD

An adult, 18 years of age or older, or an emancipated minor under the age of 18 years, whom the members of the family have routinely looked to as the head of the family, and who is legally competent to sign a binding contract.

HUD

The U.S. Department of Housing and Urban Development or its designee.

INS

U.S. Immigration and Naturalization Service.

LEASE

A written agreement between BHA and an eligible family for the leasing of a public housing unit.

LIVE-IN-AIDE

A person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities, and who:

- a. Is determined by the Authority to be essential to the care and well-being of the person(s); and
- b. Is not obligated for support of the person(s); and
- c. Would not be living in the unit except to provide necessary supportive services.

A live-in aide does not qualify as the remaining member of a tenant family.

LOCAL PREFERENCE

A preference established by BHA for use in selecting among applicants.

LOWER INCOME FAMILY

A family whose annual income does not exceed 80 percent of the median income for the area as determined by HUD.

LUMP SUM BENEFIT

A payment of periodic benefits for a previous period which may be included as income, not including Social Security and Social Security lump sum benefits. Only that portion of the payment attributable to the time the tenant resided continuously under the Public Housing Program may be counted as income.

MEDICAL EXPENSES

For purposes of income determination for elderly or disabled families, medical expense in excess of 3% of total family income which are anticipated to be incurred during the period for which the annual income is computed, where these expenses are not compensated for, or covered by insurance. Medical expenses include such items as medical insurance premiums, dental expenses, prescription and nonprescription medicines, etc.

MINIMUM RENT

Established by BHA at \$50.

MINOR

A person less than 18 years of age.

MIXED FAMILY

A family whose members include both citizens/eligible immigrants and noncitizens with ineligible immigration status.

NATIONAL

A person who owes permanent allegiance to the U.S. as the result of birth in a U.S. territory or possession.

#### NEAR-ELDERLY FAMILY

A family whose head, spouse, or sole member is a person who is at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62; or two or more persons, who are at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62, living together or one or more persons who are at least 50 years of age (or 55 years of age for state elderly housing) but below the age of 62 living with one or more live-in aides.

#### NEAR-ELDERLY PERSON

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

#### NET FAMILY ASSETS

Value of equity in real property, savings, stock, bonds, life insurance policies, and other forms of capital investment, excluding interests in Indian trust land (Excluding the value of necessary items of personal property such as furniture and automobiles).

In cases where a trust fund had been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income.

In determining the Net Family Assets, the Housing Authority shall include the value of any assets greater than one thousand dollars (\$1000) which were disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of any consideration received for the asset.

#### NON-CITIZEN

A person who is neither a citizen nor national.

#### PROGRAMS ESTABLISHED UNDER THE UNITED STATES HOUSING ACT OF 1937

The Public Housing program or Indian Housing program; 2. Any program operated as part of the Section 8 program; 3. The Section 23 Leased Housing program.

### RECOVERING ADDICT

A person that: 1) has completed a supervised drug rehabilitation program and is not currently engaged in the illegal use of a controlled substance; or has otherwise successfully been rehabilitated and not currently illegally using drugs; or, 2) is involved in a supervised rehabilitation program and not currently illegally using drugs; and is involved in a self help group, such as Narcotics Anonymous, and not currently illegally using drugs.

### OVERHOUSED

A tenant family with a greater number of bedrooms than required for family members, according to the standards set forth in Section V of this policy.

### RESIDENCY PREFERENCE

An PHA established preference for admission of families that reside or work or have been hired to work in the jurisdiction of the PHA. The length of time the family has lived or worked the jurisdiction may not be considered.

### REMAINING FAMILY MEMBER

A person left in an assisted unit after other family members have vacated who may or may not normally qualify for assistance on his or her own circumstances (e.g., widow age 47, not disabled or handicapped). The person must be of legal age to sign a lease (adult) and all amounts incurred under the previous lease must have been paid before the person is provided a lease in his/her name.

### RESIDENT

A family living in the Housing Authority's operational jurisdiction, working in the Housing Authority's jurisdiction or notified that they are hired to work in the Housing Authority's jurisdiction would be considered a resident of the jurisdiction. The length of time the family has lived or worked in the jurisdiction may not be considered.

### SECURITY DEPOSIT

A dollar amount set by the Housing Authority for the Public Housing Program for unpaid rent, damages or other amounts owed under the lease upon termination of the lease.

### SINGLE PERSON

A person who lives alone or intends to live alone who does not qualify as elderly, disabled, or handicapped or as a remaining adult member of a tenant family.

### TENANT RENT

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

### TOTAL TENANT PAYMENT (TTP)

An amount equal to 30 percent of the family's monthly adjusted income or 10 percent of the gross monthly income of the family occupying the dwelling unit, whichever amount is greater. TTP does not include charges for excess utility consumption or other miscellaneous charges.

### TRANSFER

A move by a tenant family from one BHA apartment to another, generally as the result of changes in family composition which changes the number of bedrooms required by the family. A transfer may not be used to split an extended family into two households by moving only some members of the family to a second apartment.

### UNDERHOUSED

A tenant family with an insufficient number of bedrooms for the number of persons in the family, according to the standard set forth in Section V of this policy.

### UTILITIES

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

### UTILITY ALLOWANCE

The cost of utilities (except telephone and cable TV) and other housing services for an assisted unit when not included in the tenant rent but is the responsibility of the family occupying the unit. An amount equal to an estimate made or approved by the Housing Authority or HUD of the monthly cost of a reasonable consumption of utilities for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

VERY LOW INCOME FAMILY

Family whose annual income does not exceed 50 percent of the median income for the area as determined by HUD.

VIOLENT CRIMINAL ACTIVITY

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

WAITING LIST ADMISSION

An applicant selected for occupancy from BHA'S waiting list.

APPENDIX E  
HOUSING AUTHORITY OF THE CITY OF BELLVILLE (TX)  
DECONCENTRATION POLICY

TX 304-001 (34 UNITS)

Section 513, Public Housing Targeting, of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) contains certain provisions regarding the deconcentration of poverty in public housing communities. The Bellville Housing Authority (BHA) hereby provides the following information and policy statement concerning deconcentration in its single, 34-unit public housing development.

Note: This policy statement is based on the QHWRA statute and limited information and guidance provided by the U.S. Department of Housing and Urban Development (HUD). Upon receipt of additional HUD guidance and a final deconcentration rule, BHA will amend this policy as necessary.

BHA has one public housing community consisting of 34 units. The City of Bellville is a rural community with an estimated population of under 4,000 and a land area of approximately 6.57 square miles. It is located approximately 60 miles west of Houston. The following conclusions have been drawn from a limited market analysis, an analysis of BHA's waiting list and tenant population, and census data compiled in 1990. At the time of the analysis, only 18 of the 34 units were occupied.

BHA's public housing development is comprised of an almost equal number of families with children (7), elderly families (8), and families with a disabled member (6). The average income for this development is \$7,794. Two-thirds of families living in the development are extremely low-income, while one-third are very low-income. There does not appear to be an unusual distribution of wealth by bedroom size or among the buildings within the development. Approximately forty percent of families within the development have yearly incomes greater than the development average. The remaining 60% have incomes below the development average. An analysis of families currently on BHA's waiting list reflects a similar population.

At the present time, BHA has limited possibilities for income-mixing due to the following: the existence of only one development; inability to attract higher income families due to the quality of its public housing stock; and low turnover averaging two or fewer unit turnovers per year. At this time, therefore, BHA shall continue to utilize its current Admissions and Continued Occupancy Policy, which contains no admissions preferences. BHA shall continue to monitor the HUD deconcentration regulations and make necessary adjustments as may be required.

Housing Authority of the City of Bellville  
Adopted September 14, 2000

BELLVILLE (TX) HOUSING AUTHORITY  
P.O. Box 247  
300 SOUTH THOMAS STREET  
BELLVILLE, TX 77418-0247

## DISPOSITION POLICY



Adopted: September 14, 2000

## **BELLVILLE (TX) HOUSING AUTHORITY DISPOSITION POLICY**

The Disposition Policy of the Bellville (TX) Housing Authority (BHA) must function within the limits set forth by the laws and regulations of the United States of America, including those relating to the U.S. Department of Housing and Urban Development (“HUD”), the Annual Contributions Contracts (ACC) entered into between the Authority and HUD, and the laws and regulations of the State of Texas. Any and all applicable changes in the law, regulations, contract, or judicial decisions of interpretation of constitutionality will automatically supersede or amend this policy. Such changes will be reflected in a formal policy revision as soon as possible thereafter.

Sales of excess property shall be in the following manner:

- 1) If the estimated sales value of the personal property offered for sale is less than \$500.00, the Executive Director (or his/her designee) negotiate a sale in the open market after such informal inquiry he/she deems necessary to ensure a fair return to the Department. The sale shall be documented by an appropriate bill of sale.
- 2) For sales from \$500.00 to \$2,500.00, the Executive Director (or his/her designee) shall solicit informal bids orally, by telephone or in writing, from all known prospective purchasers and a tabulation of all such bids received shall be prepared and retained as part of the permanent record. The sale shall be documented by an appropriate bill of sale.
- 3) For sales in excess of \$2,500.00, the Executive Director (or his/her designee) shall use formal advertising methods (unless otherwise permitted in applicable provisions of the law) and shall solicit bids by advertisement in at least one local newspaper of general circulation or by mailing solicitations to bid to all prospective purchasers or by posting notices in public places or by a combination of such methods. Bids shall be opened publicly at the time and place specified in the advertisement. A tabulation of all such bids received shall be prepared and retained as a part of the permanent record. The award shall be made to the highest bidder as to price, and the sale shall be documented by an appropriate bill of sale. In all events, compliance with federal, state, and local laws, if any, will be ensured.
- 4) The sale of personal property to a public body for public use may be negotiated at its fair market value subject to prior approval by the Board of Commissioners. The transfer shall be documented by an appropriate bill of sale.

Personal property shall be destroyed, abandoned, or donated without the prior approval of the Board of Commissioners. The Executive Director shall make every effort to dispose of excess personal property as outlined above. However, if the property has no scrap or salvage value and a purchaser cannot be found, a statement shall be prepared by the

Executive Director showing the advertising placed in the newspaper and listing prospective bidders solicited, if such a solicitation was made, and all other efforts to sell the property, together with a recommendation as to the manner of disposition. A resolution of the Board's approval, together with the complete documentation in support of the destruction, abandonment, or donation, shall be retained as a part of the permanent record.

BELLVILLE (TX) HOUSING AUTHORITY  
P.O. Box 247  
300 SOUTH THOMAS STREET  
BELLVILLE, TX 77418-0247

## GRIEVANCE PROCEDURE



Adopted: September 14, 2000

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# GRIEVANCE PROCEDURE

## I. PURPOSE AND SCOPE

This Grievance Procedure sets forth the requirements, standards, and criteria established to assure the tenants of the Bellville Housing Authority (the Authority or BHA) have an opportunity for a Hearing if he or she disputes any Authority action of failure to act involving the tenants' lease or Authority regulations which adversely affect the individual tenant's rights, duties, welfare or status.

## II. APPLICABILITY

- A. This procedure applies to all grievances between individual tenants and the Authority as defined in Section IIIA below.
- B. This Grievance Procedure does not apply to:
  - 1. Disputes between tenants in which the Authority is not involved;
  - 2. Any changes in Authority policies and procedures. This procedure is not intended as a forum for initiating or negotiating policy changes between a tenant or group of tenants and the Authority.
  - 3. Class grievances.
  - 4. Termination of tenancy or eviction that involves:
    - a. Any criminal or other activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the Authority; OR
    - b. Any drug-related criminal activity on or off the premises; OR
    - c. Non-payment of rent, except when the dispute involves the amount of rent owed to the Authority.
- C. The Escrow Account requirement (Section VII) does not apply to residents who have requested a financial hardship exemption from minimum rent requirements or who are subject to imputed welfare income because welfare benefits have been decreased because of fraud or failure to comply with requirements. The resident is not required to pay an escrow deposit for the portion of the rent attributable to the imputed welfare income.

### III. DEFINITIONS

For the purpose of this Grievance Procedure, the following definitions apply:

- A. Grievance—Any disagreement which a tenant may have with respect to Authority action or failure to act in accordance with the individual’s lease or Authority regulations which adversely affects the individual tenant’s rights, duties, welfare or status.
- B. Complainant -- Any tenant whose grievance is presented to the Authority in accordance with Sections IV and V of this procedure.
- C. Elements of Due Process – Legal proceedings carried out in accordance with established rules. Any eviction or termination proceeding requires:
  - 1. Adequate notice to the tenant of the grounds for terminating his or her lease and for eviction in accordance with the tenant’s lease and/or federal and state law as applicable.
  - 2. The right of the tenant to be represented by legal counsel.
  - 3. The opportunity for the tenant to disagree with the evidence presented by the Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or fair defense which the tenant may have. The tenant may examine (and make copies of at the tenant’s own expense) all relevant documents, records, policies, and regulations of the Authority prior to the hearing for the purpose of preparing a defense.
  - 4. A decision on the merits.
  - 5. A person with disabilities shall be provided reasonable accommodation to the extent necessary to provide the person with the opportunity to participate in a grievance hearing.
- D. Hearing Officer – A person selected to hear grievances and make a decision.
- E. Hearing Panel – A panel selected to hear grievances and to make a decision.
- F. Tenant – shall mean the adult person (or persons) other than a live-in aide who:
  - 1. Resides in the unit, and who executed the lease with the Authority as lessee of the dwelling unit, or, if no such person now resides in the unit;
  - 2. Resides in the unit, and is a remaining member of the tenant family residing in the dwelling unit.
- G. Resident Organization – Includes Resident Councils and Resident Management Corporations.

- H. Informal Settlement – Meeting held with complainant and the Authority in an attempt to resolve the grievance before going to a formal grievance hearing.
- I. Summary of Discussion – Result of information hearing giving detailed information in writing of the major points discussed in the informal hearing and the Authority’s decision on the complaint.
- J. Escrow – Money held by a third party fiduciary as a good faith promise until a determination is made on what to do with the money. The escrow amount can be deposited into a bank account or held by an uninterested, independent third party with the equivalent security and accountability as a bank account.
- K. Waiver – The release of a right or claim.
- L. Trial De Nova – The right to a new trial.

**IV. INFORMAL SETTLEMENT OF GRIEVANCE**

- A. If a tenant opts to resolve his/her problem through the Grievance Procedure, he/she must request an informal meeting in writing within five (5) business days from the date the problem originally arose.
- B. The BHA will schedule an informal meeting within ten (10) business days of receipt of your written request.
- C. The tenant must attend the informal meeting and personally present, either orally or in writing, the grievance so that it may be informally discussed and settled without a formal Hearing.
- D. The BHA must, within a reasonable time and not to exceed ten (10) business days after the informal discussion, provide a written summary of the discussion of the meeting discussion and send it to the tenant by Registered or Certified Mail or deliver it personally with a signed receipt obtained from the tenant. A copy will be retained in the tenant’s file. The summary will specify:
  - 1. Names of participants.
  - 2. Date of the discussion.
  - 3. Nature of proposed disposition of the grievance.
  - 4. Specific reason for proposed disposition of the grievance.
  - 5. Procedures by which a Hearing may be obtained if the tenant is not satisfied.
  - 6. That the tenant has five (5) business days from the date of the summary of the discussion to request a hearing.
- E. Before a tenant can request a Hearing by a Hearing Officer the grievance must be submitted first for an informal hearing.

**V. PROCEDURE TO OBTAIN A HEARING**

- A. Request for a Hearing. If the tenant is dissatisfied with the final results of the informal meeting, he or she must submit a written request to the BHA within ten (10) business days after the receipt of the summary of the discussion pursuant to Section IV. The written request for a formal hearing must specify the reason(s) for the grievance and the action or relief sought.
- B. Selection of Hearing Officer. Grievances shall be presented before a Hearing Officer. The hearing officer shall be an impartial, disinterested person appointed by the BHA's Board of Commissioners, upon the recommendation of the Executive Director, other than the person who made or approved the BHA action under review or a subordinate of that person.
- C. Hearing Pre-Requisite. All grievances shall utilize the procedures for an informal settlement as outlined in Section IV, Informal Settlement of Grievance, as a condition precedent to a hearing under Section V. Procedure to Obtain a Hearing; provided herein that if the tenant can show good cause why he/she failed to follow the procedure for an informal settlement to the Hearing Officer, the pre-requisite of the informal settlement may be waived by the Hearing Officer.

**VI. FAILURE TO REQUEST A HEARING**

If the tenant does not request a Hearing within ten (10) business days following the date of the summary of the informal meeting:

- A. The Authority's disposition of the grievance under Section IV as stated in the summary of the discussion, becomes final and effective at the close of business on the fifth business day following the date of the summary of the discussion.
- B. The failure to request a hearing does not waive the tenant's right to contest the BHA's decision in an appropriate judicial proceeding.

**VII. HEARING INVOLVING AMOUNT OF RENT – ESCROW ACCOUNT**

Before a hearing can be scheduled for a grievance involving the amount of rent as defined in the lease, the tenant must:

- A. Pay BHA the full amount of rent, calculated by the Authority, which was due on the first of the month preceding the month in which the grievance occurred; and
- B. Deposit this same amount of rent due into an escrow account every month until the complaint is resolved by the Hearing Officer's decision.

If the tenant fails to comply with A and B above, the grievance process will be terminated. Failure to follow A and B above, however, does not waive any of the tenant's rights to contest the BHA's disposition of the grievance in an appropriate judicial proceeding.

The requirements described in Section VII of this Grievance Procedure may be waived by the BHA in extenuating circumstances.

**VIII. SCHEDULE OF HEARINGS**

If the tenant has met the informal meeting requirements, properly requested a formal hearing and made any necessary rental payments to the BHA or to an escrow account (when applicable), then the following will take place:

- A. Upon receipt of the Request for the Hearing, a hearing will be promptly scheduled by the Hearing Officer for a time and place reasonably convenient to both the complainant and the BHA. The written notification will be delivered to the tenant and appropriate Authority officials, by Registered or Certified mail, or delivered promptly with a signed receipt notice.
- B. The written notification will specify:
  - 1. Time of hearing.
  - 2. Place of hearing.
  - 3. Procedures governing the hearing.

**IX. FAILURE TO APPEAR AT THE HEARING**

- A. If the tenant fails to appear at the hearing, the Hearing Officer may make a determination to postpone the hearing for a period not to exceed five (5) business days, or may make a determination that the non-appearing party has waived the right to a hearing.
- B. The tenant and the BHA will both be notified in writing of this determination by the Hearing Officer within a reasonable time.
- C. Failure of the tenant to appear at the hearing and a determination that he or she has waived the right to a hearing does not waive the tenant's right to argue the case in an appropriate judicial proceeding.

**X. PROCEDURE GOVERNING HEARING**

- A. The hearing shall be held before the Hearing Officer.
- B. The tenant shall be afforded a fair hearing, which shall include:
  - 1. The opportunity to examine before the hearing, any documents, including records and regulations, that are directly relevant to the hearing. The tenant shall be allowed to copy any documents at his or her own expense. Any document requested but not made available to the tenant for examination may not be relied on by the Authority during the hearing;

2. The right to be represented by counsel or other person chosen as his or her representative and to have this person make statements on the tenant's behalf;
  3. The right to a private hearing unless the tenant requests a public hearing;
  4. The right to present evidence and arguments in support of his or her complaint, to object to irrelevant evidence and request that such evidence be excluded, and to confront and cross-examine all witnesses on whose testimony or information the BHA or project management relies; and
  5. A decision based solely and exclusively upon the facts presented at the hearing.
- C. The Hearing Officer may render a decision without holding the hearing if the Hearing Officer determines that the issue has been previously decided in another proceeding.
- D. At the hearing, the tenant must first show that he or she is entitled to the relief sought after which the BHA must justify the action or failure to act as cited in the complaint.
- E. The hearing shall be conducted informally by the Hearing Officer and oral or documentary evidence pertinent to the facts and issues mentioned in the complaint may be received without regard to admissibility under the rules of evidence applicable in judicial proceedings.
- F. The Hearing Officer shall require the BHA, the tenant, tenant's counsel and other participants or spectators to conduct themselves in an orderly fashion.
- G. Failure to comply with the Hearing Officer's call for order may result in removal of the offending person from the proceedings, termination of the hearing, or the entry of judgment by default against the offending person.
- H. The tenant or the BHA may arrange in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested person may purchase a copy of the transcript.
- I. Accommodation of Person with Disabilities
1. The BHA will take steps to insure that reasonable accommodation for persons with disabilities is provided so that participation in any hearing is possible. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations or attendants.
  2. If the tenant is visually impaired any notice which is required under this Grievance Procedure, must be in an accessible format.

**XI. DECISION OF HEARING OFFICER**

- A. The Hearing Officer will prepare a written decision, including an explanation of the reasons for the decision, within ten (10) working days after the hearing.
- B. A copy of the decision will be sent to the tenant and the BHA at the same time. The Authority shall retain a copy of the decision in the tenant's folder.
- C. A copy of the decision, with all names and identifying references deleted, will also be maintained on file by the BHA and made available for inspection by a prospective tenant, his or her representative or the Hearing Officer.
- D. The decision of the Hearing Officer will be binding on the BHA which will take all actions, or refrain from any actions, necessary to carry out the decision unless the BHA Board of Commissioners determines within a reasonable time, and promptly notifies the complainant of his/her determination, that:
  - 1. The grievance does not concern any act or failure to act on the part of the BHA involving the tenant's lease or BHA regulations which adversely affect the tenant's rights, duties, welfare or status; or
  - 2. The decision of the Hearing Officer is contrary to applicable Federal, State and/or local law, HUD regulations or requirements of the Annual Contributions Contract between the Department of Housing and Urban Development and the BHA.
- E. A decision by the Hearing Officer or Authority Board of Commissioners in favor of the BHA, or which denies the relief requested by the tenant in whole or in part, does not waive or affect any rights the tenant may have to a trial de nova or judicial review in any judicial proceedings, which may be filed in the future.

BELLVILLE (TX) HOUSING AUTHORITY  
P.O. Box 247  
300 SOUTH THOMAS STREET  
BELLVILLE, TX 77418-0247

## PET POLICY



Adopted: September 14, 2000

## OVERVIEW

This policy details the requirements for a tenant to keep a pet in a public housing unit owned by the Bellville (TX) Housing Authority (BHA). Tenants will not keep a pet in their units without prior written permission from BHA.

This policy does not apply to animals that are used to assist persons with disabilities provided that the animal has been trained to assist persons with that specific disability and the animal actually assists the person with that specific disability (See Rule 22 below). However, the pet policy does not exempt such a tenant from the requirements of the lease that prohibit any conduct which disturbs other tenants or threatens the physical or social environment.

## REQUIREMENTS

The BHA will utilize the following procedures in implementing the pet policy.

**Obtaining BHA Permission:** If an eligible tenant or prospective tenant wishes to obtain permission to keep a pet, BHA staff will meet with the prospective pet owner and explain the Authority policy and review the pet rules. If BHA finds a tenant or prospective tenant eligible to keep a pet, the tenant or prospective tenant must submit to the Housing Authority a completed Pet Permit and Agreement Form, and pay the required security deposit.

BHA reserves the right to deny permission to house pets which are or may be in the sole judgment of the Authority vicious or dangerous, or which are large in stature exceeding 30 pounds in weight.

**Failure to Obtain Written Permission:** If a tenant has not obtained written permission to keep a pet but does so anyway, the BHA will seek to evict the tenant. If BHA finds any unauthorized pet outside a tenant's unit, as in their backyard or area in their exclusive control or a common area, BHA will have the pet removed.

**Complaints Against Pet Owners:** In the event of complaints against approved pet owners, the BHA shall work with the pet owner to resolve the complaints informally. If the complaints are not resolved and/or there has been a violation of the pet rules, BHA shall impose fines in accordance with Rule 21 below.

If there are three violations, BHA may at its sole discretion notify the tenant to remove the pet within ten (10) days (immediately if the animal is deemed "vicious"), terminate the pet owner's tenancy or both. Any unresolved complaints may be the subject of a grievance by the tenant under established grievance procedures. Animals deemed "vicious" by BHA, however, must be removed from BHA property pending grievance.

**Amending Pet Rules:** The pet policy and rules may be changed at any time by BHA provided that tenants are given an opportunity to comment and with 30 days advance notice.

## **RULES**

- 1) Any tenant or prospective tenant who wishes to keep a pet shall request permission in writing and meet with BHA staff and submit a photo of the pet and other required documentation.
- 2) If approved by the Authority, a Pet Permit and Agreement, (Amendment of Dwelling Lease) shall be signed immediately by the tenant, with original to the tenant file and a copy in a general pet file. This Dwelling Lease Amendment contains the rights and responsibilities of the tenant and management with respect to pet ownership.
- 3) **Only common household pets are permitted.** Common “household” pets shall be limited to domesticated dogs, cats, fish, birds and turtles that are traditionally kept in the home rather than for commercial or other purposes.
- 4) The tenant is required to provide a picture of the pet(s).
- 5) The number and size of the pet(s) is limited to one type of pet as follows:
  - a) Dogs and cats – limit of one dog or cat per household – Dogs cannot exceed 30 pounds; or
  - b) Birds – limit of two per household, no larger than a parakeet – Birds must be kept in a cage at all times; or
  - c) Fish – limit of one tank per household with a maximum capacity of 20 gallons, and no more than 20 small non-poisonous fish; or
  - d) Turtles – no more than two per household, small in size. Turtles must be kept in a cage or other container at all times.
- 6) All dog and cat owners must present proof that their pet is registered with the Town of Bellville and identification tags must be worn at all times.
- 7) The tenant must be able to maintain control over their pets.
- 8) Dogs and cats must remain within the unit and not be allowed outside, unattended, at any time.
- 9) No chaining of unattended dogs permitted at any time.

- 10) Dogs must be walked while on a leash and all droppings must be removed and disposed of by the person walking the animal. Failure to do so will result in a \$50.00 charge. Units, yards and BHA property must be kept free of odors, insect infestation and pet feces, urine, waste and litter.
- 11) Cat litter boxes are required, and must be maintained in a sanitary manner and be kept free of odors and insect infestation.
- 12) **Dogs and cats must be neutered or spayed** with proof of licensing and inoculations and the name of the veterinarian provided. Owners must provide a certification each year at the time of their annual reexamination that the pet continues to be in good health and has all required vaccinations.
- 13) Any animal that is used to threaten either people or other animals or does threaten to attack or attacks will be deemed “vicious” and barred from the development. If the tenant does not immediately remove the animal, the tenant will be in material violation of his/her lease, and may be evicted.
- 14) BHA, at its sole discretion, may randomly and periodically inspect the units of pet owners with appropriate notice to ensure compliance.
- 15) Pets must be restrained and prevented from digging, gnawing, chewing, scratching or otherwise defacing property including doors, walls, windows, screens, floor coverings, other units, common areas, buildings, landscaping or shrubs.
- 16) No pet is allowed at any time in administrative office or any exterior sitting areas.
- 17) Pet owners shall be liable for damage caused by their pets. BHA shall require of the tenant payment of a pet deposit of \$100 for each pet. If the tenant’s pet deposit does not cover the damages, management and the tenant will agree on a payment plan to pay for the damage as well as replacement of the pet deposit. The pet deposit is separate from, and in addition to, any security deposit held on behalf of the tenant by the BHA. The pet deposit will be returned to the pet owner within 30 days of the day the pet is removed or within 30 days of the day the tenant vacates the unit, whichever comes first, less deductions detailed in writing and reasonably related to the regulation of pets.
- 18) Tenants must board their pets (except for fish) away from the development or make other arrangements for the care of their pets when they intend to leave their unit for 24 hours or more. The Pet Permit and Agreement requires tenants to provide BHA with the name and phone number of relative or friend who has agreed to assume responsibility for the pet in the event of sudden illness or death of the tenant. The BHA reserves the right to

consider the presence of an unattended pet as an emergency, and will enter the unit to remove the pet.

- 19) BHA staff, including maintenance personnel, reserve the right to refuse to enter a unit to perform work where there is an unattached animal.
- 20) Pet owners are expected to exercise responsible and courteous behavior so that the presence of their pet on the property in no way violates the rights of others to peaceful enjoyment of the premises. A tenant will be fully responsible for any disturbance or injury to other tenants or BHA staff caused by its pet. Any disturbance or injury will be a violation of the pet policy and rules and the tenant's lease, and BHA may at its sole discretion require the tenant to remove the pet immediately or within ten (10) days, terminate the pet owner's tenancy or both.
- 21) The BHA may impose fines upon tenants for the violation of any pet rule contained herein. At the time a pet owner first violates any rule, the BHA will send the owner a written warning and no fine will be assessed. The second time that an owner violates the same rule, or any other, the BHA will fine the tenant \$50.00. The BHA may assess additional \$50.00 fines for subsequent violations, and may request the tenant to remove the pet or be subject to eviction after three violations.
- 22) Tenants or prospective tenants who claim that a particular animal is used to assist persons with disabilities and who want to be exempt from the provisions of these Pet Rules must provide BHA with:
  - a) A certification that the tenant or prospective tenant or a member of his or her family is a person with a disability; and
  - b) Documentation that the animal has been trained to assist persons with that specific disability and actually assists the person with that disability.
- 23) These Pet Rules are posted in the BHA management offices and are incorporated by reference into the Lease.

**BELLVILLE (TX) HOUSING AUTHORITY**

**PET PERMIT AND AGREEMENT**

I acknowledge that I have read, understand and agree to comply with all aspects of BHA's Pet Policy.

I also understand that I must give to BHA the name of an individual or Authority who will be contacted should I become incapable of caring for my pet(s) because of illness, incapacitation or death. That person or Authority is:

\_\_\_\_\_

NAME

\_\_\_\_\_

ADDRESS

PHONE NO.

The pet(s) I wish to keep in my dwelling unit is:

(1)

(2)

\_\_\_\_\_

DESCRIPTION

\_\_\_\_\_

DESCRIPTION

\_\_\_\_\_

NAME

\_\_\_\_\_

NAME

\_\_\_\_\_

DATE

\_\_\_\_\_

DATE

\_\_\_\_\_

BHA REPRESENTATIVE

\_\_\_\_\_

RESIDENT

\_\_\_\_\_

RESIDENT

\_\_\_\_\_

RESIDENT

BELLVILLE (TX) HOUSING AUTHORITY  
P.O. Box 247  
300 SOUTH THOMAS STREET  
BELLVILLE, TX 77418-0247

## RENT COLLECTION POLICY



Adopted: September 14, 2000

# RENT COLLECTION POLICY

## I. POLICY STATEMENT

This policy is adopted by the Bellville (TX) Housing Authority hereinafter referred to as BHA and applies to all residents of its low income public housing. It addresses the manner in which residents must pay their monthly rent and the consequences of late payment or non-payment of rent due to BHA. This policy is consistent with the laws of the State of Texas, HUD regulations, and BHA's Dwelling Lease. BHA is committed to enforcing this policy in an equitable and non-discriminatory manner.

The Rent Collection Policy is designed to achieve the following goals:

- ! Reduce BHA's tenant accounts receivable to no more than 5% and uncollected rents to 2% of total rents to be collected.
- ! Clarify for both tenants and staff, BHA's position with regard to rent collection.
- ! Establish strict guidelines extending Repayment Agreements only in extenuating circumstances as defined by BHA or for retroactive rent charges.
- ! Streamline and simplify the legal process used by BHA.

## II. MONTHLY RENT

In accordance with HUD regulations, tenants can elect annually between paying an income-based rent or a flat rent. For an income-based rent, tenants are charged a rent the greater of \$50, 30% of their monthly adjusted income or 10% of gross income. Adjusted income is calculated by deducting from gross income allowable expenses, such as child care and medical (for elderly and disabled only), as well as deductions for dependents and elderly households. Eligibility for specific allowances depends upon the tenant's individual circumstances. Tenants residing in units where some or all of the utilities are paid directly by the tenant receive a utility allowance in the form of a monthly rent reduction. Tenants selecting a flat rent pay the rent applicable to the appropriate bedroom size from the schedule of flat rents available at the management office.

Tenants paying an income based rent are required to report their income annually to BHA and rent is adjusted accordingly. During the course of the year, if they suffer a loss of income or an increase in allowable expenses, and request an interim reexamination of income, tenants may be eligible for reductions in their rent. These circumstances, however, are not severe hardships and would therefore not qualify for a Rent Repayment Agreement.

Tenants paying a flat rent are required to have their income reexamined every three years and family circumstances annually. Families experiencing hardships may switch from paying flat rents to income based rents.

### **III. RENT PAYMENTS**

Rent shall be paid by mail or in person and is due and payable on or before the first of each month. Personal checks, cashier checks and money orders are the only acceptable forms of payment at the management office listed on page 2. A charge of \$15.00 will be assessed for all returned personal checks. BHA will no longer accept personal checks for payment of rent from residents who have written bad checks.

Payments are accepted by mail, or in person, at the management offices listed below:

Bellville Housing Authority  
P.O. Box 247  
300 South. Thomas Street  
Bellville, TX 77418-0247

The above offices are open Monday through Friday (except holidays), 8:30 AM-5:00 PM.

BHA will not accept partial payments of rent.

Rent is due and payable on the first of each month. Tenants who fail to make full payment by 5:00 pm on the fifth (5th) business day of the month, or before the end of the next successive business day if the fifth day of the month falls on a Saturday, Sunday or legal holiday, are considered delinquent and will be assessed a \$10.00 late fee. Tenants who fail to make full payment by 5:00 pm on the twentieth (20<sup>th</sup>) day of the month, or before the end of the next successive business day if the twentieth day of the month falls on a Saturday, Sunday or legal holiday, are considered extremely delinquent and will be assessed a \$20.00 late fee. Tenants who are delinquent in rent are subject to eviction action for the first violation in a twelve-month period. Tenants who pay their full rent but fail to pay miscellaneous charges properly due will also be subject to eviction action in accordance with their Lease Agreement.

### **IV. RENT DISPUTES**

Tenants who wish to dispute any action taken by BHA for non-payment of rent may do so through the BHA's Grievance Procedure in effect at the time the grievance or appeal arises. Copies of the Grievance Procedure are posted in the management office and management staff can assist tenants with informally settling the grievance in accordance with the Grievance Procedure and scheduling any subsequent hearing. BHA enforces the escrow requirements contained in the Grievance Procedure.

Whether or not a tenant chooses to exercise his/her rights under the Grievance Procedure, he/she may present the case in court if BHA initiates legal action.

### **V. REPAYMENT AGREEMENTS**

In extenuating circumstances involving severe hardship situations and in cases of retroactive rent charges, BHA may enter into a "Repayment Agreement" extending the time allowed to residents to

make full payment of money that is owed. BHA is under no obligation to approve and execute Repayment Agreements and does so only as an accommodation to residents.

Requests for Repayment Agreements must be made to the Executive Director at the time that retroactive rent charge is assessed or no later than the expiration date of the Notice of Intent to Terminate Lease. Only the Executive Director has the authority to approve such requests and only if all of the following conditions are met:

1. A Repayment Agreement form (see Attachment 1) is properly completed and executed;
2. The Agreement specifies the number of monthly installments in which the outstanding balance is due;
3. The resident family is experiencing a severe hardship situation that will not qualify them for an interim reexamination and the family not been delinquent in the last twelve (12) months and has presented the documentation required by BHA OR a retroactive rent charge has been assessed; and
4. The resident family has not defaulted on a previous Repayment Agreement.

Other unforeseen circumstances and income disruptions which typically pose financial hardships (e.g., loss of job, permanent discontinuation or reduction in benefits) entitle tenants to request an interim reexamination and a rent reduction effective the first of the month following verification of the change; therefore, they are not grounds for extending rent payment agreements. Failure to report a decrease in income is not considered a hardship unless a medical reason exists which prevented the tenant from reporting the decrease in income.

Repayment Agreements will not be approved, regardless of the situation, if the request is made after the expiration of the Notice of Intent to Terminate Lease. At this point the tenant is delinquent. In the absence of full rent payment BHA will proceed with legal action. Tenants are expected, therefore, to act promptly in reporting situations which may make timely payment difficult.

Tenants who need assistance with financial problems may contact the Housing Programs Coordinator for information and referral to community agencies.

## **VI. SUMMARY PROCESS ACTION**

Non-payment of rent is a violation of the Lease Agreement between the tenant and BHA. In all cases, BHA will aggressively pursue collection of the amount due and eviction, if necessary. Following is a description of the steps taken and notices issued:

- Payment demand letter is hand-delivered to each delinquent tenant by BHA on or about the 6th business day of the month, which provides for payment by the tenant by the tenth (10<sup>th</sup>) day of the month, or he/she will be subject to late fees.

- If a tenant offers full payment by this date, the payment will be accepted and no further action taken. Partial payments will not be accepted.
- If the tenant does not pay in full by the deadline set forth in the payment demand letter, a Notice of Termination will be sent.
- The Notice will also indicate that if by the deadline date the tenant has not:
  - filed a Grievance,
  - paid rent in full, or
  - vacated the unit,

BHA will proceed with legal action seeking possession of the dwelling unit, all amounts due, plus expenses incurred by BHA.

- Once a Complaint is filed with the court commencing legal action, a Summons is hand delivered to the tenant by a Sheriff or someone appointed by the Court which requires the tenant to file an answer in court. The case is brought before a judge and a decision rendered. At the time the Complaint is filed with the court, an additional, reasonable fee for legal expenses will be added to the total amount due from the resident.
- If the court rules in favor of BHA, a Judgement is awarded demanding possession of the dwelling unit and payment of amounts owed and BHA's expenses.
- Forcible removal will occur if resident does not vacate premises.

## **VII. DISCONTINUING EVICTION ACTION**

BHA is under no obligation to discontinue eviction once legal action has been initiated. However, it is not in the interest of either party for BHA to proceed with an eviction against a tenant who is generally a prompt rent payer, and has a positive rent-paying history, and has not violated the lease agreement, except for non-payment rent.

Tenants are considered to have a positive rent paying history when they have not been subject to eviction action at any time during the previous 12 months and their rent payments have been made in a timely manner. If eviction action commences against such a tenant, BHA may accept full payment, plus legal and court costs if incurred, at any time up to the day of the court hearing and reinstate the tenant.

Tenants are considered to have a negative rent paying history when they have been subject to eviction action one or more times and/or three or more rent payments have been paid late during the previous 12 months.

Only the Executive Director (or his/her designee) has the authority to discontinue legal action once the process is initiated.

**VIII. TENANT EVICTION EXPENSES**

Once a legal action has been filed in Court against a tenant and the court rules in favor of the BHA, the tenant is subject to payment of service fees, court costs and attorney's fees. These costs will be assessed and the total amount due and payable presented to the Court. BHA reserves the right to pursue collection of all amounts properly due from tenants evicted or voluntarily vacating BHA premises. The BHA will utilize all available means of collection, including referrals to credit bureaus, collection agencies and other court actions.

**IX. ENFORCEMENT OF THIS POLICY**

This Policy is enforced by the staff and legal counsel of BHA, through the administrative grievance procedure and/or the Courts.

## BELLVILLE (TX) HOUSING AUTHORITY REPAYMENT AGREEMENT

Account Number \_\_\_\_\_

I (We) \_\_\_\_\_ [Tenant's  
Names]  
of \_\_\_\_\_ [Address]  
agree that on this date, I (We) owe \$ \_\_\_\_\_ in retroactive rent, and \$ \_\_\_\_\_ in other charges  
which include the following: \_\_\_\_\_. My (Our) total  
balance on this date is \$ \_\_\_\_\_. I (We) agree to pay this total balance in a maximum of six installments  
according to the following schedule:

<u>AMOUNT TO BE PAID</u>	<u>DATE DUE</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

I (We) agree that:

1. I (We) may make payments in advance of the date indicated above, but that each installment must be received no later than the date indicated.
2. These payments represent amounts owed, and that they are in addition to the monthly rent to become due and payable during the term of this agreement, no later than the 5th business day of the month.
3. If I (We) fail to make any of these payments, or fail to pay monthly rent also due, BHA has the right to terminate my (our) lease and commence legal action against me (us) in accordance with the terms of the lease, HUD regulations, and state law.
4. I (We) must make all payments during the term of this agreement directly to the BHA management office in person or by mail.

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant's Signature

\_\_\_\_\_  
Date

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I have approved this Repayment Agreement in accordance with the provision of BHA's Rent Collection Policy.

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
Date