

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

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# Housing Authority City of Riverbank

## PHA Plans

Small PHA Plan Update:

Annual Plan for Fiscal Year: **2003**

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN  
ACCORDANCE WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH  
NOTICES**

**PHA Plan  
Agency Identification**

**PHA Name: Housing Authority of The City of Riverbank**

**PHA Number: CA-017**

**PHA Fiscal Year Beginning: July 2003**

**PHA Plan Contact Information:**

**Name: Mr. Gabriel Juarez  
Phone: (209) 577-2044  
TDD: (209) 869-4501  
Email: gabe@stancoha.org:**

**Public Access to Information**

**Information regarding any activities outlined in this plan can be obtained by contacting: (select all that apply)**

**Main administrative office of the Housing Authority, City of Riverbank (209) 869-4  
Main administrative office of the Housing Authority, County of Stanislaus  
(209) 557-2044**

**Display Locations For PHA Plans and Supporting Documents**

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

**Main administrative office of the Riverbank PHA  
Main administrative office of the City of Riverbank  
Main administrative office of the Housing Authority, County of  
Stanislaus  
Riverbank Public library**

**Other: PHA Plan Supporting Documents are available for inspection at:  
(select all that apply)**

**Main business office of the Housing Authority, City of Riverbank**

**PHA Programs Administered:**

**Public Housing Only**

**Annual PHA Plan  
Fiscal Year 2003  
[24 CFR Part 903.7]**

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**ii. Executive Summary**

[24 CFR Part 903.7 9 (r)]

At PHA option, provide a brief overview of the information in the Annual Plan

**EXECUTIVE SUMMARY**  
**HOUSING AUTHORITY OF**  
**THE CITY OF RIVERBANK**

The Housing Authority of the City of Riverbank has prepared our *Agency Plan* in compliance with Section 511 of the *Quality Housing and Work Responsibility Act (QHWRA)* of 1998 and the ensuing HUD requirements. The *Plan* describes the Housing Authority, its mission and strategy for addressing the housing needs of low-income and very-low income families in Riverbank.

The Housing Authority of the City of Riverbank shares an Executive Director and staff with the Housing Authority of the County of Stanislaus. Both Housing Authorities are public housing agencies as defined in the *United States Housing Act of 1937*, as amended, and in 24 *C.F.R. Chapter VIII*. Both agencies have been organized under *Section 31000, et a seq.*, of the *California Health and Safety Code*.

The primary objective of the Housing Authority of the City of Riverbank is to provide decent, safe and sanitary housing to low income families at an affordable price. Our mission is to provide this housing within an environment that fosters the advancement of low income families from a position of dependency to one of self-sufficiency.

The Housing Authority has the responsibility for planning, financing, constructing, purchasing and managing properties using a variety of affordable housing programs. As the manager of rental properties, the Housing Authority performs all the functions of a private owner, including selection of residents, rent collection and property maintenance. In the City of Riverbank, the Housing Authority serves 90 households including 60 units of elderly housing and 30 units of family housing.

Federal laws establish the rent structure of the housing programs administered by the Housing Authority and require that family income be verified annually. Federal Regulations also impact the selection of program participants, occupancy, lease and grievance procedures. This *Agency Plan* deals with those policies and procedures for public housing that have been modified as a result of QHWRA.

In our *Five Year Plan*, the Housing Authority recognizes the need for more affordable housing in the City of Riverbank. Our goal of developing additional affordable housing has been established to address this need. However, the absence of Article 34 Referendum Authority and availability of funding impacts the Housing Authority's ability to develop additional housing.

Information taken from the Comprehensive Housing Affordability Strategy (CHAS) Data Book was utilized in assessing these housing needs.

### **1. Summary of Policy or Program Changes for the Upcoming Year**

In this section, briefly describe changes in policies or programs discussed in last year's PHA Plan that are not covered in other sections of this Update.

**A. The Housing Authority is re-implementing its "Community Services" requirements outlined in its' Occupancy Policy (effective July 1, 2003) due to the lack of congressional action extending the previous congressional suspension.**

2. The Housing Authority has previously certified and is again certifying that it is not appropriate to convert its family Public Housing units to vouchers as a result of HUD's required conversion analysis.

**3. The Housing Authority's Capital Improvements budgets have changed from the last submission.**

### **2. Capital Improvement Needs**

[24 CFR Part 903.7 9 (g)]

Exemptions: Section 8 only PHAs are not required to complete this component.

**A. X Yes \_\_\_ No: Is the PHA eligible to participate in the CFP in the fiscal year covered by this PHA Plan?**

**B. What is the amount of the PHA's estimated or actual (if known) Capital Fund Program grant for the upcoming year? \$ 164, 187.00.**

**C. X Yes \_\_\_ No: Does the PHA plan to participate in the Capital Fund Program in the upcoming year? If yes, complete the rest of Component 7. If no, skip to next component.**

**D. Capital Fund Program Grant Submissions:**

**The Capital Fund Program 5-Year Action Plan is provided as Attachment: CA017c04**

**(2) Capital Fund Program Annual Statement**

**The Capital Fund Program Annual Statement is provided as**

**Attachment:  
t:**

**CA01  
7b04**

**3. Demolition and Disposition**

[24 CFR Part 903.7 9 (h)]

Applicability: Section 8 only PHAs are not required to complete this section.

   Yes   X   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 next component ; if “yes”, complete one activity description for each development.)

**2. Activity Description ( Does Not Apply For The Current Report )**

<b>Demolition/Disposition Activity Description (Not including Activities Associated with HOPE VI or Conversion Activities)</b>
<b>1a. Development name: 1b. Development (project) number:</b>
<b>2. Activity type: Demolition Disposition</b>
<b>3. Application status (select one) Approved Submitted, pending approval Planned application</b>
<b>4. Date application approved, submitted, or planned for submission: (DD/MM/YY)</b>
<b>5. Number of units affected: 6. Coverage of action (select one) Part of the development</b>

<b>Total development</b>
<b>7. Relocation resources (select all that apply)</b> Section 8 for        units Public housing for        units Preference for admission to other public housing or section 8 Other housing for        units (describe below)
<b>8. Timeline for activity:</b> a. Actual or projected start date of activity: b. Actual or projected start date of relocation activities: c. Projected end date of activity:

**4. Voucher Homeownership Program : ( Does Not Apply To Our PHA)**

[24 CFR Part 903.7 9 (k)]

A.      Yes   X   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 next component; if “yes”, describe each program using the table below (copy and complete questions for each program identified.)

**B. Capacity of the PHA to Administer a Section 8 Homeownership Program N/A**

The PHA has demonstrated its capacity to administer the program by (select all that apply):

Establishing a minimum homeowner downpayment requirement of at least 3 percent and requiring that at least 1 percent of the downpayment comes from the family’s resources

Requiring that financing for purchase of a home under its section 8 homeownership will be provided, insured or guaranteed by the state or Federal government; comply with secondary mortgage market underwriting requirements; or comply with generally accepted private sector underwriting standards. Demonstrating that it has or will acquire other relevant experience (list PHA experience, or any other organization to be involved and its experience, below):

**5. Safety and Crime Prevention: PHDEP Plan ( Our PHA Is Not Eligible For PHDEP Funds This Year) [24 CFR Part 903.7 (m)]**

Exemptions Section 8 Only PHAs may skip to the next component PHAs eligible for PHDEP funds must provide a PHDEP Plan to the PHA. **PHAs eligible for PHDEP funds must provide a PHDEP Plan to the PHA. PHAs eligible for PHDEP funds must provide a PHDEP Plan to the PHA.**

**A. Yes X No: Is the PHA eligible to participate in the PHDEP in the fiscal year covered by this PHA Plan?**

**B. What is the amount of the PHA's estimated or actual (if known) PHDEP grant for the upcoming year? \$ 0.0**

**C. Yes X No: Does the PHA plan to participate in the PHDEP in the upcoming year? If yes, answer question D. If no, skip to next component.**

**D. Yes X No: The PHDEP Plan is attached at Attachment \_\_\_\_\_**

### **6. Other Information**

[24 CFR Part 903.7 9 (r)]

### **Resident Advisory Board (RAB) Recommendations and PHA Response:**

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

**2. If yes, the comments are Attached as Attachment: CA017f04**

**3. In what manner did the PHA address those comments? (select all that apply)**

**The PHA changed portions of the PHA Plan in response to comments  
A list of these changes is included as Attachment:**

**Yes No: below or**

**Yes No: at the end of the RAB Comments in Attachment  
CA017104**

**X Yes No: Considered comments, but determined that no  
changes to the PHA Plan were necessary. An  
explanation of the PHA's consideration is included  
at the at the end of the RAB Comments in  
Attachment CA017104.**

**--- Other: (list below)**

### **B. Statement of Consistency with the Consolidated Plan:**

For each applicable Consolidated Plan, make the following statement (copy questions as many times as necessary).

**1. Consolidated Plan jurisdiction: State of California**

**2. The PHA has taken the following steps to ensure consistency of this PHA Plan with the Consolidated Plan for the jurisdiction: (select all that apply)**

**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 specific initiatives contained in the Consolidated Plan. (list such initiatives below)**

**Other:** This Plan adheres to the household and equitable accessibility criteria

**3. PHA Requests for support from the Consolidated Plan Agency:**

**Yes**  **No: Does the PHA request financial or other support from the State or local government agency in order to meet the needs of its public housing residents or inventory? If yes, please list the 5 most important requests below:**

**4. The Consolidated Plan of the jurisdiction supports the PHA Plan with the following actions and commitments: (describe below)**

“ The State Department of Housing and Community Development (HCD) encourages the City of Riverbank Housing Authority to submit suggestions, improvements, and additional objectives for consideration in State Consolidated Plan updates”.

**C. Criteria for Substantial Deviation and Significant Amendments:**

**Amendment and Deviation Definitions:**

#### **24 CFR Part 903.7(r)**

PHAs are required to define and adopt their own standards of substantial deviation from the 5-year Substantial Deviation from the 5-year Plan. The definition of significant amendment is important because it defines when the PHA will subject a change to the policies or activities described in the Annual Plan to full public hearing and HUD review before implementation. When deviations, significant amendments, and/or modifications are being considered in the Housing Authority's 5 year plan and these proposed changes fundamentally change the mission, goals, objectives, and/or plans of the Agency, then this manner of change will be considered a "substantial deviation", will require formal approval from the Board of Commissioners and a public hearing.

#### **B. Significant Amendment or Modification to the Annual Plan:**

When deviations, significant amendments, and/or modifications are being considered in the Housing Authority's Annual Plan and these proposed changes fundamentally change the mission, goals, objectives, and/or plans of the Agency, then this manner of change will be considered a "substantial deviation", will require formal approval from the Board of Commissioners and a public hearing.

PHAs are to indicate which documents are available for public review by placing a mark in the “Applicable & On Display” column in the appropriate rows. Attachment A All listed documents must be on display if applicable to the program activities conducted by the PHA.

**Supporting Documents Available for Review**

<b>Applicable &amp;/or On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
<b>X</b>	<b>PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations</b>	<b>5 Year and Annual Plans</b>
<b>X</b>	<b>State/Local Government Certification of Consistency with the Consolidated Plan</b>	<b>5 Year and Annual Plans</b>
<b>X</b>	<b>Fair Housing Documentation Supporting Fair Housing Certifications: 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.</b>	<b>5 Year and Annual Plans</b>
<b>X</b>	Housing Needs Statement of the Consolidated Plan for the jurisdiction/s in which the PHA is located and any additional backup data to support statement of housing needs in the jurisdiction	Annual Plan: Housing Needs
<b>X</b>	Most recent board-approved operating budget for the public housing program	Annual Plan: Financial Resources
<b>X</b>	<b>Public Housing Admissions and (Continued) Occupancy Policy (A&amp;O/ACOP), which includes the Tenant Selection and Assignment Plan [TSAP]</b>	Annual Plan: Eligibility, Selection, and Admissions Policies
<b>X</b>	<b>Any policy governing occupancy of Police Officers in Public Housing</b> <b>✓ check here if included in the public housing A&amp;O Policy</b>	Annual Plan: Eligibility, Selection, and Admissions Policies
	<b>Section 8 Administrative Plan</b>	Annual Plan: Eligibility, Selection,

Applicable &/or On Display	Supporting Document	Related Plan Component
N/A		and Admissions Policies
X	<b>Public housing rent determination policies, including the method for setting public housing flat rents</b> ✓check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
X	<b>Schedule of flat rents offered at each public housing development</b> ✓ check here if included in the public housing A & O Policy	Annual Plan: Rent Determination
N/A	Section 8 rent determination (payment standard) policies check here if included in Section 8 Administrative Plan	Annual Plan: Rent Determination
X	<b>Public housing management and maintenance policy documents, including policies for the prevention or eradication of pest infestation (including cockroach infestation)</b>	Annual Plan: Operations and Maintenance
X	<b>Results of latest binding Public Housing Assessment System (PHAS) Assessment</b>	Annual Plan: Management and Operations
N/A	<b>Follow-up Plan to Results of the PHAS Resident Satisfaction Survey (if necessary)</b>  Score achieved does not require submission of plan this year	Annual Plan: Operations and Maintenance and Community Service & Self-Sufficiency
N/A	<b>Results of latest Section 8 Management Assessment System (SEMAP)</b>	Annual Plan: Management and Operations
N/A	<b>Any required policies governing any Section 8 special housing types</b> check here if included in Section 8 Administrative Plan	Annual Plan: Operations and Maintenance
X	<b>Public housing grievance procedures</b> ✓ check here if included in the public housing A & O Policy	Annual Plan: Grievance Procedures
N/A	Section 8 informal review and hearing procedures	Annual Plan:

Applicable &/or On Display	Supporting Document	Related Plan Component
	check here if included in Section 8 Administrative Plan	Grievance Procedures
<b>X</b>	The HUD-approved Capital Fund/Comprehensive Grant Program Annual Statement (HUD 52837) for any active grant year	Annual Plan: Capital Needs
<b>X</b>	Most recent CIAP Budget/Progress Report (HUD 52825) for any active CIAP grants	Annual Plan: Capital Needs
<b>N/A</b>	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
<b>X</b>	Self-evaluation, Needs Assessment and Transition Plan required by regulations implementing §504 of the Rehabilitation Act and the Americans with Disabilities Act. See, PIH 99-52 (HA).	Annual Plan: Capital Needs
<b>N/A</b>	Approved or submitted applications for demolition and/or disposition of public housing	Annual Plan: Demolition and Disposition
<b>N/A</b>	<b>Approved or submitted applications for designation of public housing (Designated Housing Plans)</b>	Annual Plan: Designation of Public Housing
<b>N/A</b>	<b>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, Section 22 of the US Housing Act of 1937, or Section 33 of the US Housing Act of 1937</b>	Annual Plan: Conversion of Public Housing
<b>N/A</b>	Approved or submitted public housing homeownership programs/plans	Annual Plan: Homeownership
<b>N/A</b>	Policies governing any Section 8 Homeownership program (section _____ of the Section 8 Administrative Plan)	Annual Plan: Homeownership
	Cooperation agreement between the PHA and the TANF agency and between the PHA and local employment and training service agencies	Annual Plan: Community Service & Self-Sufficiency
<b>N/A</b>	FSS Action Plan/s for public housing and/or Section 8	Annual Plan: Community Service & Self-Sufficiency
<b>X</b>	<b>Section 3 documentation required by 24 CFR Part 135, Subpart E</b>	Annual Plan: Community Service & Self-Sufficiency
<b>N/A</b>	<b>Most recent self-sufficiency (ED/SS, TOP or ROSS or other resident services grant) grant program</b>	Annual Plan: Community Service &

<b>Applicable &amp;/or On Display</b>	<b>Supporting Document</b>	<b>Related Plan Component</b>
	<b>reports</b>	Self-Sufficiency
<b>N/A</b>	The most recent Public Housing Drug Elimination Program (PHDEP) semi-annual performance report	Annual Plan: Safety and Crime Prevention
<b>N/A</b>	PHDEP-related documentation: <ul style="list-style-type: none"> <li>• Baseline law enforcement services for public housing developments assisted under the PHDEP plan;</li> <li>• Consortium agreement/s between the PHAs participating in the consortium and a copy of the payment agreement between the consortium and HUD (applicable only to PHAs participating in a consortium as specified under 24 CFR 761.15);</li> <li>• Partnership agreements (indicating specific leveraged support) with agencies/organizations providing funding, services or other in-kind resources for PHDEP-funded activities;</li> <li>• Coordination with other law enforcement efforts;</li> <li>• Written agreement(s) with local law enforcement agencies (receiving any PHDEP funds); and</li> <li>• All crime statistics and other relevant data (including Part I and specified Part II crimes) that establish need for the public housing sites assisted under the PHDEP Plan.</li> </ul>	Annual Plan: Safety and Crime Prevention
<b>X</b>	<b>Policy on Ownership of Pets in Public Housing Family Developments (as required by regulation at 24 CFR Part 960, Subpart G)</b> <b>✓ check here if included in the public housing A &amp; O Policy</b>	Pet Policy
<b>X</b>	<b>The results of 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</b>	Annual Plan: Annual Audit
<b>N/A</b>	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
	Other supporting documents (optional) (list individually; use as many lines as necessary)	(specify as needed)



Annual Statement / Performance and Evaluation Report  
 Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary

PHA Name:  <b>City of Riverbank Housing Authority</b>	Comprehensive Grant Number Capital Fund Program Grant No: <b>CA39P01750103</b> Replacement Housing Factor Grant No:	Federal FY of Grant  <b>2003</b>
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Original Annual Statement     Reserve for Disasters/Emergencies     Revised Annual Statement/Revision Number \_\_\_\_\_  
 Performance and Evaluation Report for Program Year Ending \_\_\_\_\_     Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Funds Cost	
		Original	Revised (1)	Obligated	Expended
1	Total Non-CFP Funds				
2	1406 Operation (may not exceed 10% of 20)	16,418.00			
3	1408 Management Improvements Soft Costs				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	11,250.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	100,000.00			
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment-Nonexpendable				
12	1470 Nondwelling Structures	25,000.00			
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities				
19	1502 Contingency (may not exceed 8% of line 20)	11,519.00			
20	<b>Amount of Annual Grant (Sum of lines 2-19)</b>	<b>164,187.00</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 - Soft Costs				
24	Amount of line 20 Related to Security - Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				
26	Collateralization Expenses or Debt Service				

Signature of Executive Director _____	Date (mm/dd/yyyy) _____	Signature of Public Housing Director _____	Date (mm/dd/yyyy) _____
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1. To be completed for the performance and Evaluation Report or a Revised Annual Statement.  
 2. To be completed for the performance and Evaluation Report.





## Capital Fund Program 5-Year Action Plan

Original statement		CFP 5-Year Action Plan		Revised statement	
Development Number	Development Name (or indicate PHA wide)				
CA01701, 02, 03	PHA WIDE				
Description of Needed Physical Improvements or Management Improvements			Estimated Cost	Planned Start Date (HA Fiscal Year)	
1. Remodel Kitchens			180,000	2004 & 2005	
2. Replace Ranges, Refrigerators, Water Heaters			21,000	2005	
3. Carpeting for Senior Units			50,000	2005 & 2006	
4. Replace Windows			25,000	2006	
5. Install Security Screen Doors			25,000	2006	
Total estimated cost over next 5 years			301,000		

## **Required Attachment CA017d04: Resident Member(s) on the PHA Governing Board**

**1.   X   Yes        No:** Does the PHA governing board include at least one member who is directly assisted by the PHA this year? (if no, skip to #2)

Name of resident member(s) on the governing board:

1. Wilda Cress
2. Joyce Carter

How was the resident board member(s) selected: (select one)?

Elected:

Appointed: by the City Council of the City of Riverbank

C. The term of appointment is (include the date term expires):

1. Wilda Cress: Term expires on 8/14/2003
2. Joyce Carter: Term expires on 2/05/2005

2. A. If the PHA governing board does not have at least one member who is directly assisted by the PHA, why not?

the PHA is located in a State that requires the members of a governing board to be salaried and serve on a full time basis

the PHA has less than 300 public housing units, has provided reasonable notice to the resident advisory board of the opportunity to serve on the governing board, and has not been notified by any resident of their interest to participate in the Board.

Other (explain):

**B. Date of next term expiration of a governing board member:**

Wilda Cress: Term expires on 8/14/2003

**Name and title of appointing official(s) for governing board (indicate appointing official for the next position):**

**Bill O'Brien, Mayor City of Riverbank**



**Required Attachment CA017e04: Membership of the Resident Advisory Board or Boards**

**List members of the Resident Advisory Board or Boards: (If the list would be unreasonably long, list organizations represented or otherwise provide a description sufficient to identify how members are chosen.)**

**Resident Advisory Board Members:**

- 1. Danny Miller - President**
- 2. Wanda Blakley - V. President**
- 3. Melody Tigner- Secretary**
- 4. Wilferd Merrefield**
- 5. Betty Asmen**
- 6. Irais Leon**

**Public Housing Meeting  
and  
The Tenant Council and Resident Advisory Board Meeting**

March 31, 2003 Monday

Attending Staff Members:    Gabriel Juarez (Director of Housing )  
   Marge Price                    ( Admin. Clerk )

Tenant Council Members: (4)  
   Melody Tigner( Secretary )  
   Danny Miller                (President)  
   Wanda Blakley            ( Vice- President )  
   Betty Asmen                ( Resident)

Tenant Guest: (1)                Wilda Cress                ( Resident)  
Members Absent: (1)            Wilfred Merrifield      ( Resident)

Danny Miller ( President ) brought meeting to order at 2:34 P.M.

Gabriel Juarez (Director of Housing ) went over the Capital Fund Program Work Item Priority list for this coming year of 2003. Principle items that we anticipate will be items 1-8 as out lined in the revised capital fund program list:

1. Remove and Replace Water-Heaters            (17-1)
2. Replace Refrigerators                            (17-3)
3. Hot Mop Roofs                                    (17-3)
4. Installation of Security Lightening            (17-3)
5. Remove and Replace Exterior Doors            (17-2)-(17-3)
6. Replace Gas Ranges                             (17-2)
7. Sidewalk and Landscaping Repairs            (17-2)
8. Storage Building Remodel                     (17-2)

Meaning of Development 3's  
   (17-1) Rossi Apartments  
   (17-2) Shela Apartments  
   (17-3) Burney Apartments

A vote was taken to adopt the PHA program for this year, all were in agreement, no appossed.

Danny Miller (President) brought up his concerns due to kids walking in the back-patio's of residents apartments, they seem to be checking out the residents area's. A suggestion was made to block off the open area's so kids couldn't get back there so easy. Gabriel

Juarez (Director of Housing ) stated that it would be looked into it as soon as possible.

Wanda Blakley (Vice- President ) brought up concerns about residents with heart problems breathing second hand smoke, and the need for non-smoking area's if possible in the housing sites. A lot of pros and cons on this matter, Gabriel Juarez (Director of Housing ) stated that a lot of research was needed in this area, will get back to us on this. Will also do another walk through on the housing sites to see where we mite need more lighting for very dark area's, this is a safety issue, and look at the patio's area's behind apartments.

Wanda Blakley (Vice- President ) brought up about Neighborhood Watch, if we were going to get started? Gabriel Juarez (Director of Housing ) reminded us that we first need to get a new housing manger, which is in the process, it all takes time.

Danny Miller ( President ) adjourned meeting at 3:42 pm. Next meeting will be April 30, 2003 at 2: 30 pm

Board of Commissioners Meeting on April 10, 2003 in the Housing Authority Office if you would like to attend, check with Marge Price (Admin. Clerk ) for time.

Respectfully Submitted  
Melody Tigner ( Secretary )

Tenant Council and Advisory Board  
Comments

The Housing Authority and Tenant Council/ Advisory Board were in full agreement with the Agency Plan as proposed.

# ATTACHMENT H

## 17.0 PET POLICY

### 17.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner, to refrain from disturbing their neighbors, and to refrain from damaging the unit.

### 17.2 PETS IN PUBLIC HOUSING DEVELOPMENTS

When final HUD regulations on pet ownership are issued and when a resident has complied with the following Housing Authority pet ownership conditions, the Housing Authority will allow for ownership of pets by any resident family and elderly and/or disabled families.

### 17.3 APPROVAL

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed and all terms complied with before the Housing Authority will approve the request. In addition, the resident shall have a history of behavior which would tend to indicate that they are likely to comply with the additional rules and regulations associated with the keeping of pets.

### 17.4 TYPES OF PETS

The Housing Authority will allow only domesticated dogs, cats, birds, fish, rodents, turtles, and other animals allowed by law or ordinance in units. All dogs and cats must be neutered and or spayed.

The animal(s) shall be of a size and temperament so as to not pose an unreasonable threat of property damage or threat to the health or safety of neighbors or Housing Authority employees due to viciousness or improper control of animal waste. Any animal deemed to be "aggressive or territorial" or potentially harmful to the health or safety of others (including other pets) including attack or fight trained dogs, or prohibited by law or ordinance will not be allowed. Determinations on the "aggressive or territorial" or potentially harmful nature of a pet will be made according to established data bases on "pet temperament" such as Cyberpet and PetSmart data bases. In all cases where a proposed pet has been disapproved because of incompatible temperament, a copy of the data base "print-out" indicating the incompatibility will be provided to the resident and a copy, along with all other relevant information relating to the request, will be maintained in the resident's file.

For all requests for dogs, the resident must provide written documentation from a Vet or other competent professional of the dog's breed or breed mixture. In cases where the breed of the proposed dog is "mixed", residents will be responsible to provide the Housing Authority with a written determination from a Vet or other competent professional identifying the various "breeds" of the dog. The various breeds will then be compared to the databases. An "aggressive or territorial" or potentially harmful result for any of the dog's breeds will result in the denial of the request.

No animal may exceed thirty (30) pounds in weight.

#### 17.5 INOCULATIONS, LICENCING, AND PET IDENTIFICATION

In order to be authorized, pets, as applicable, must be appropriately licensed and inoculated against rabies, distemper, parvo shots and other conditions prescribed by local ordinances.

For pets not totally confined to the interior of the unit, residents must provide a color photograph of the animal.

Pet owners shall be required to attach copies of licensing documents, immunization certifications, breed identification documentation, and proof of spaying/neutering to the application form at the time they seek approval from the Housing Authority to keep a pet.

Except for authorized birds, fish and other similar animals, the Housing Authority will issue a "Pet Tag" that must be worn along with the proper pet "licence" on a collar at all times by any authorized pet.

#### 17.6 HUMANE CONFINEMENT

The dwelling unit shall have adequate amenities, such as a yard and sufficient fencing, to allow proper humane confinement of the animal(s) and to prevent the disturbance of neighbors. In projects where no fences exist, the animal(s) shall be of a size and temperament so as to be able to be properly confined to the interior of the unit.

#### 17.7 PET DEPOSIT

A pet deposit of \$25 - 200.00 is required at the time of registering a pet. The deposit varies, depending on the pet selected, the unit, and the amenities of the unit, like carpeting. The deposit is refundable when the pet or the family vacate the unit, less any amounts owed due to damage beyond normal wear and tear.

#### 17.8 FINANCIAL OBLIGATION OF RESIDENTS

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

#### 17.9 NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the family's unit and surrounding areas.

Repeated and substantiated complaints by neighbors or Housing Authority personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, damage to the premises, or other nuisance will result in the family having to remove the pet or move him/herself.

#### 17.10 DESIGNATION OF PET AREAS

For complexes where no exterior, individual yard fences are provided. Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). In some complexes, pets will

be allowed only in designated areas. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

17.11 VISITING PETS

Pet visitation is not allowed.

17.12 RESIDENT ABSENCES FROM THE PREMISES

When absent from the unit, families with dogs or cats shall be responsible for the housing of their pet(s) somewhere other than on the premises overnight or longer periods. Families with pets shall have a standing arrangement, on file, with the Housing Authority providing for the care of pet(s) in the event that the family must leave their unit on an emergency basis. The arrangement will specify who will be responsible for assuring compliance with this provision.

17.13 REMOVAL OF PETS

The Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance, a threat to the health or safety of other occupants of the project or of other persons in the community where the project is located, or if the pet causes damage to the premises.

# ATTACHMENT I

## 13.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

### 13.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are determined exempt from this requirement

### 13.2 EXEMPTIONS

The following resident, adult family members may be exempt from this requirement if their exemption can be documented by the family and verified by the Housing Authority.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled
- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity as defined under part A, title IV, of the Social Security Act
- E. Family members who are exempt from work activity under part A, title IV, of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under part A, title IV, of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

### 13.3 NOTIFICATION OF THE REQUIREMENT

In all resident annual re-examination notifications beginning on October 1, 2000, Housing Authority staff shall notify each affected family that during their up coming re-exam, Authority staff will identify and or verify compliance with, as applicable, all adult exempt and non-exempt family members for purposes of the family meeting its community service requirements.

The notification will explain the family's responsibility to provide verification for all non-exempt adult family member's compliance with the community service requirement, to verify continued exempt status for those previously granted exempt status, and the verification of any changes in any family member status. The Housing Authority shall verify such claims.

The notification will further advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/2000. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise all residents that their failure to comply with the community service

requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

Initially, the Housing Authority will conduct training and educational meetings focused on the program and its requirements for all affected families.

#### 13.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the complex is located. Because of the small community nature of the City of Riverbank where our complexes are located and the lack of availability of placement opportunities, the "community in which the complex is located" shall be defined as the complex and the geographic areas around it sufficient to allow for the resident to find and retain placement.

An economic self sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work (including, but not limited to such programs as substance abuse or mental health treatment).

The Housing Authority will coordinate with social service agencies, local schools, the Human Resources Office, and other agencies in identifying a list of volunteer community service positions. Lists will be made available to all residents.

The Housing Authority will create volunteer positions such as coordinating and record keeping and other clerical positions for resident volunteers.

#### 13.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, the Housing Authority will identify each adult family member who is non-exempt from the Community Service requirement and do the following:

- A. Provide the family a list of volunteer opportunities.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet for every non-exempt family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each 8 hour volunteer period. The supervisor will attach a business card to the sheet.
- D. Refer family members to a volunteer coordinator who may assist family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance. Volunteer coordinators will be located and supervised from the Housing

Authority office.

While the Housing Authority will provide support services to volunteers, it in no way assumes responsibility for nor guarantees the placement of nor can guarantee the meeting of any family member's Community Services requirements. This responsibility remains fully with the family.

- E. Sixty (60) days before the family's next lease anniversary date, the volunteer coordinator will update the volunteer's file, document compliance or non-compliance, and advise the Housing Authority. The volunteer coordinator will forward to the Housing Authority a signed certification of program compliance or executed agreement to cure non-compliance.

#### 13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS

The Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will be terminated.

#### 13.7 OPPORTUNITY FOR CURE

The Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency or community service program for as many hours as needed to fulfill the time requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with the current's year's community service requirement. In all such agreements, the first 96 hours a resident earns will be credited toward the current's year's community service requirement with all additional hours credited to the amount owed for the previous year.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours over a three (3) month period, the Housing Authority shall take action to terminate the lease.

## Attachment J

### **Component 3, (6) Deconcentration and Income Mixing:**

**New HUD rules waive this requirement for projects with less than 100 units.**

- a.  Yes  No: **Does the PHA have any general occupancy (family) public housing developments covered by the deconcentration rule? If no, this section is complete. If yes, continue to the next question.**
- b.  Yes  No: **Do any of these covered developments have average incomes above or below 85% to 115% of the average incomes of all such developments? If no, this section is complete.**

**If yes, list these developments as follows:**

<b>Deconcentration Policy for Covered Developments</b>			
<b>Development Name:</b>	<b>Number of Units</b>	<b>Explanation (if any) [see step 4 at §903.2(c)(1)(iv)]</b>	<b>Deconcentration policy (if no explanation) [see step 5 at §903.2(c)(1)(v)]</b>

**STATEMENT OF POLICIES GOVERNING  
ADMISSION TO AND CONTINUED OCCUPANCY  
OF THE  
CONVENTIONAL LOW RENT PUBLIC HOUSING  
UNITS OPERATED BY  
THE HOUSING AUTHORITY OF THE CITY OF RIVERBANK**

**REVISED APRIL, 2002**

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## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

The Admissions and Continued Occupancy Policy defines the Housing Authority 's policies for the operation for the Public Housing Program, incorporating Federal, State and local law. If there is any conflict between this policy and laws or regulations, the laws and regulations will prevail.

### 1.0 FAIR HOUSING

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

No person shall, on the grounds of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Housing Authority 's programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Authority will provide Federal/State/local information to applicants/tenants of the Public Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

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

### 2.0 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the Housing Authority's housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability. This policy clarifies how people can request accommodations and the guidelines the Housing Authority will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the Housing Authority will ensure that all applicants/tenants are aware of the opportunity to request reasonable accommodations.

### 2.1 COMMUNICATION

Anyone requesting an application will also receive a Request for Reasonable Accommodation form.

Notifications of reexamination, inspection, appointment, or eviction will include information about requesting a reasonable accommodation. Any notification requesting action by the tenant will include information about requesting a reasonable accommodation.

All decisions granting or denying requests for reasonable accommodations will be in writing.

## 2.2 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

- A. Is the requestor a person with disabilities? For this purpose the definition of person with disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Housing Authority will obtain verification that the person is a person with a disability.

- B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Housing Authority will not inquire as to the nature of the disability.

- C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Housing Authority's business is housing. If the request would alter the fundamental business that the Housing Authority conducts, that would not be reasonable. For instance, the Housing Authority would deny a request to have the Housing Authority do grocery shopping for a person with disabilities.

2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

- D. Generally the individual knows best what it is they need; however, the Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Housing Authority's programs and services, the Housing Authority retains the right to select the most efficient or economic choice.

The cost necessary to carry out approved requests, including requests for physical modifications, will be borne by the Housing Authority if there is no one else able to pay for the modifications. If another party pays for the modification, the Housing Authority will seek to have the same entity pay for any restoration costs.

If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications at their own expense, the Housing Authority will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

Any request for an accommodation that would enable a tenant to materially violate essential lease terms will not be approved, i.e. allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

- E. All approved or denied requests will be documented in writing. Approved requests will be signed by the resident and management and will include provisions describing the accommodation/modification, material to be used, the person authorized by management to complete the physical modification, if appropriate, who will bare the cost of the modification, including restoration, and a statement that the Housing Authority may at the end of the residency apply resident's Security Deposit toward any restoration costs.

### 3.0 FAMILY OUTREACH

From time to time, the Housing Authority will publicize the availability and nature of the Public Housing Program for extremely low-income, very low, and low-income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach families who may-not read the newspapers or to provide out reach to certain ethnic families who may not be sufficiently "represented" on Authority waiting lists or programs, the Housing Authority will distribute fact sheets to the broadcasting media and will initiate personal contacts with members of the news media, ethnic organizations, and community service personnel. The Housing Authority will also try to utilize public service announcements.

### 4.0 RIGHT TO PRIVACY

All adult members of both applicant and tenant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice and other Housing Authority required release forms. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement.

Any request for applicant or tenant information will not be released unless there is a signed release of information request form from the

applicant or tenant provided to the Housing Authority from the requesting party.

For the readers information, The Housing Authority regularly exchanges resident or applicant information with the Stanislaus County Department of Social Services.

#### 5.0 REQUIRED POSTINGS

In each of its offices, the Housing Authority will post, in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. Statement of Policies and Procedures governing Admission and Continued Occupancy
- B. Notice of the status of the waiting list (opened or closed)
- C. A listing of all the developments address, number of units, units designed with special accommodations, address of all project offices, office hours, telephone numbers, TDD numbers, and operation hours
- D. Income Limits for Admission
- E. Excess Utility Charges
- F. Current Schedule of Routine Maintenance Charges
- G. Dwelling Lease
- H. Grievance Procedure
- I. Fair Housing Poster
- J. Equal Opportunity in Employment Poster
- K. Any current Housing Authority Notices

#### 6.0 TAKING APPLICATIONS

Families wishing to apply for the Public Housing Program will be required to fully and accurately complete their application for housing assistance. "Hand delivered" applications are accepted at the Housing Authority's office. Applications will be mailed to interested families upon request.

Applications are taken to compile waiting lists. The demand for housing in the Housing Authority's jurisdiction, as evidenced by the length of the Authority's waiting list, will determine if the Housing Authority will take applications on an open enrollment basis. Any openings or closings of the waiting list will be advertised in the local newspaper.

Completed applications will be accepted for all applicants and the Housing Authority will verify the information.

The completed application will be dated and time stamped upon its receipt

by the Housing Authority .

Persons with disabilities who require a reasonable accommodation or other persons who may need help in completing an application may call the Housing Authority, (209) 869-4501, for help in completing their application. A Telecommunication Device for the Deaf (TDD) is available. The TDD telephone number is (209) 869- .

The application process involves two phases. The first phase is the acceptance of the initial application for housing assistance and the verification of information provided. The process establishes eligibility and any waiting list preferences to which the family may be entitled.

Upon receipt of the family's PROPERLY AND FULLY COMPLETED application, the Housing Authority will notify the family in writing of the receipt of the application. The notification should be kept by the family as their "evidence" of having submitted the application. The written notification will provide the family with the approximate wait before housing may be offered. If at any step in the process, the Housing Authority determines the family to be ineligible for one or more reasons, a notice will be mailed to the family stating the reasons therefore and will offer the family the opportunity for an informal review of the determination.

The applicant may at any time provide written notification to the Housing Authority of changes in their applicant status including changes in family composition, income, or preference factors. The Housing Authority will annotate the applicant's file and may, based on the verification of the reported change, update their place on the waiting list.

The second phase is the final determination of eligibility which includes a mandatory orientation, criminal back ground checks, and an interview. The Housing Authority will ensure that verification of all preferences, eligibility, suitability, selection factors, and family income are current (no more than six months old for reported income) in order to determine the family's final eligibility for admission into the Public Housing Program. If found eligible, the family will be placed on the "Eligible Waiting List" where the family will await a housing offer.

## 7.0 ELIGIBILITY FOR ADMISSION

### 7.1 INTRODUCTION

There are five eligibility requirements for admission to public housing: (1) the applicant qualifies as a family, (2) the applicant has an income within the income limits, (3) the applicant meets citizenship/eligible immigrant criteria, (4) the applicant provides documentation of Social Security numbers, and (5) the applicant and all adult family members sign consent authorization documents. In addition to the eligibility criteria, families must also meet the Housing Authority's screening criteria.

### 7.2 ELIGIBILITY CRITERIA

#### A. Family status.

1. A family with or without children. Such a family is defined as

a group of people related by blood, marriage, adoption or affinity that live together in a stable family relationship.

- a. Children temporarily absent from the home due to placement in foster care are considered family members.
- b. Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income limit.

2. An elderly family, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
- b. Two or more persons who are at least 62 years of age and living together; or
- c. One or more persons who are at least 62 years of age living with one or more live-in aides.

3. A near-elderly family, which is:

- a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
- b. Two or more persons, who are at least 50 years of age but below the age of 62, living together; or
- c. One or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

4. A disabled family, which is:

- a. A family whose head, spouse, or sole member is a person with disabilities;
- b. Two or more persons with disabilities living together; or
- c. One or more persons with disabilities living with one or more live-in aides.

5. A displaced family, which is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

6. A remaining member of a tenant family.

7. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

1. To be eligible for admission to developments or scattered-site units that were available for occupancy before 10/1/81, the family's annual income must be within the low-income limit set by HUD. This means the family income cannot exceed 80 percent of the median income for the area.
2. To be eligible for admission to developments or scattered-site units that became available on or after 10/1/81, the family's annual income must be within the very low-income limit set by HUD. This means that without a HUD exception, the family income cannot exceed 50 percent of the median income for the area.
3. Income limits apply only at admission and are only applicable after occupancy when the family exceeds HUD ceiling income limits.
4. A family may not be admitted to the public housing program from another assisted housing program (e.g., tenant-based Section 8) or from a public housing program operated by another housing authority without meeting the income, application, and waiting list requirements of The Housing Authority of The City of Riverbank.
56. Income limit restrictions do not apply to families transferring within our Public Housing Program, unless the family exceeds the maximum income limit set by HUD.

C. Citizenship/Eligibility Status

To be eligible, each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436 a(a)).

1. Family eligibility for assistance.
  - a. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
  - b. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 13.6 for calculating rents under the non-citizen rule)
  - c. A family without any eligible members and receiving housing assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members 6 years of age and older must provide a copy of their Social Security Card with number or certify

that they have never had one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. Among other provisions, consent form/s contain the following:
  - a. A provision authorizing HUD or the Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation, for eligibility, or for continued occupancy in the Public Housing Program;
  - b. A provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
  - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
  - d. A provision authorizing the Housing Authority to request criminal history or recent criminal activity information from law-enforcement agencies and authorizing the Housing Authority to release any resident information to any requesting law-enforcement agency or peace officer where the information is necessary in the performance of law-enforcement duties;
  - e. A provision authorizing the Housing Authority to request income, training program status, sanction or other necessary information from any governmental or private agency providing financial, educational, or support services assistance to the family; and
  - f. A statement that the authorization to release the information requested by the consent form expires 24 months after the date the consent form is signed.

7.3 SUITABILITY

A. Applicant families will be evaluated to determine whether, based on their recent and past behavior, such behavior could reasonably be expected to result in noncompliance with the public housing lease or to pose an undue safety or financial risk. The Housing Authority will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, Housing Authority employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if

they fail to meet one or more of the following suitability criteria.

- B. The Housing Authority will consider objective and reasonable aspects of the family's background, including the following:
1. History of meeting financial obligations, especially rent and utility payments;
  2. Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent, safe, and sanitary condition, based on living or housekeeping habits and whether such habits could adversely affect the premises or the health, safety, or welfare of tenants, including household members;
  3. History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of tenants, including household members or staff or cause damage to the property;
  4. History of disturbing neighbors or destruction of property;
  5. Having committed fraud in connection with any Federal housing assistance program, including the misrepresentation of information related to their housing application or benefits derived there from; and
  65. History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.
- C. The Housing Authority will ask applicants to provide or the Housing Authority will obtain information necessary to demonstrate the applicant's ability to comply with the financial or other essential elements of the lease. The Housing Authority will verify any information not directly received from a third party source. In all cases, verification may include but may not be limited to the following:
1. A credit check of the head of household, spouse and or co-head;
  2. At a minimum, a three year rental history check of all adult family members;
  3. A criminal background check on all adult household members, including live-in aides. This check will be made through State or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last five years. Where the individual has lived outside the local area, the Housing Authority may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC);
  4. A home visit. The home visit provides the opportunity for the

family to demonstrate their ability to maintain their home in a safe, sanitary, and minimally damaged manner. This inspection considers cleanliness, care of the premises, assigned yard areas, appliances, appurtenances, and any resident caused damages to the home. The inspection may also consider any evidence of criminal or drug related activity; and

5. A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered as a sex offender will be admitted to public housing.

#### 7.4 GROUNDS FOR DENIAL

The Housing Authority is not required or obligated to assist applicants who:

- A. Do not meet one or more of the eligibility or screening criteria;
- B. Do not supply complete and accurate information, documentation, or verification, required by the application process;
- C. Have failed to respond to a written request for information or a request to declare their continued interest in the program;
- D. Have a history of not meeting financial obligations, especially rent or utility payments;
- E. Do not have the ability to maintain (with assistance for persons needing an accommodation) their housing in a decent and safe condition where such habits could adversely affect the health, safety, or welfare of other tenants or members of the household;
- F. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- G. Have a history of disturbing neighbors or destruction of property;
- H. Currently owes rent or other amounts to any housing authority in connection with their public housing or Section 8 programs;
- I. Have committed fraud, bribery or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- J. Were evicted from assisted housing within three years of the projected date of admission because of drug-related criminal activity involving the personal use or possession for personal use;
- K. Were evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent to manufacture, sell, distribute a

controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

- L. Are illegally using a controlled substance or are abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents or members of the household.
- M. Have engaged in or threatened abusive or violent behavior towards any Housing Authority staff, other residents, or family members;
- N. Have a household member who has ever been evicted from public housing;
- O. Have a family household member who has been terminated under the certificate or voucher program;
- P. Denied for Life: If any family member has been convicted of manufacturing or producing methamphetamine (speed) in a public housing development or in a Section 8 assisted property;
- Q. Denied for Life: Has a lifetime registration under a State sex offender registration program.
- R. Have engaged in behavior towards any Housing Authority staff or other residents that is racially, linguistically, culturally, or ethnically inappropriate and that would be considered offensive and a form of harassment or discrimination.

#### 7.5 EVIDENCE OF FAVORABLE FUTURE CONDUCT

- A. In the event unfavorable information is received with respect to an applicant, consideration shall be given to the time, nature, and extent of the applicant's conduct and to any factors which may indicate a reasonable probability of favorable future conduct or financial prospects. Examples include:
  - 1. Evidence of rehabilitation or that the circumstances leading to an eviction or arrest no longer exist; and/or the person demonstrates to the satisfaction of the Housing Authority that he/she is no longer engaging in the abuse of alcohol or use of a controlled substance, and has successfully completed a supervised drug or alcohol rehabilitation program, or otherwise has been successfully rehabilitated, or is successfully participating in a supervised drug or alcohol rehabilitation program.
  - 2. Evidence of the family's willingness to participate in social service or other appropriate counseling service programs and the availability of such programs, and/or
  - 3. Evidence of willingness to increase income and/or avail oneself of training or employment programs in the locality.

#### 7.6 INFORMAL REVIEW

- A. If the Housing Authority determines that an applicant does not meet the criteria for receiving public housing assistance, the Housing

Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, state that the applicant may request an informal review of the decision within 10 business days of the date of the notice, must advise the applicant of his/her right to copy, at his/her expense, all related material (including a copy of a criminal history) that will be used as evidence by the Housing Authority in the review, and his/her right of representation. The Housing Authority will describe how to obtain the informal review. In all cases where an applicant has been denied admission due to criminal history, the applicant will be provided an opportunity to dispute the content or relevancy of such a report.

The informal review may be conducted by any person designated by the Housing Authority, other than a person who made or approved the decision under review or a subordinate of this person. The applicant will be given the opportunity to present written or oral objections to the Housing Authority's decision. The Housing Authority must notify the applicant of the final decision within 10 calendar days after the informal review, including a statement of the reasons for the final decision.

- B. A participant family may request that the Housing Authority provide for an Informal Hearing after the family has notification of an INS decision on their citizenship status on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the Notice of Denial or Termination of Assistance, or within 30 days of receipt of the INS appeal decision.

For resident families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the Notice of Denial or Termination of Assistance, or of the INS appeal decision.

## 8.0 MANAGING THE WAITING LIST

### 8.1 OPENING AND CLOSING THE WAITING LIST

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

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

The closing of a waiting list/s will also be announced with a public notice. The public notice will state the date the waiting list will be closed, the waiting list area covered, and bedroom sizes. The public notice will be published in a local newspaper of general circulation and also by any available minority media.

All openings and closings of the waiting list will be announced to all agencies, social organizations and other service providers on the Housing Authority's "Organizations List" that includes a broad range of minority and ethnic organizations. These announcements will be considered part of the Authority's out reach efforts in attracting special groups of applicants who may not normally apply for assistance.

## 8.2 ORGANIZATION OF THE WAITING LIST

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

- A. Two separate waiting lists shall be maintained by the Housing Authority. Lists shall correspond to one of the following two waiting list designations:
  - Elderly family complex list (elderly, disabled or handicapped families or persons)
  - Family complex list, including qualified elderly, disabled or handicapped families or persons)
- B. Waiting lists shall be established by bedroom size.
- C. Applicants may choose to apply to one or both waiting lists if they qualify under the requirements of each particular waiting list.
- D. The application will be a part of a permanent file;
- E. The applicant's position on the waiting list shall be maintained in order of bedroom size, preference, date and time of application, and if all other factors are equal, then Social Security number; and
- F. Any contacts between the Housing Authority and the applicant will be documented in the applicant file and or waiting list.

## 8.3 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be approximately within three (3) months of being offered a unit, the family will be invited to an interview and the updating of information process will begin, if necessary. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Housing Authority must notify the family in writing of this determination and give the family the opportunity for an informal review.

Once the preference has been verified, the family will present Social Security number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms and a permanent file will be created.

## 8.4 PURGING THE WAITING LIST

The Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents the

interested families for whom the Housing Authority has current information, i.e. applicant's address, family composition, income category, and preferences. Applicants not responding to a Notice of Continued Interest" used in the purge process will be removed from the waiting list. Applicants removed will be advised, in writing, of their removal from the waiting.

#### 8.5 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests, in writing, that the name be removed;
- B. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program;
- C. The applicant does not meet either the eligibility or suitability criteria for the program; or
- D. The applicant has received and rejected two housing offers for other than hardship reasons (determined at the sole discretion of the Housing Authority).

Applicants removed will be advised, in writing, of their removal from the waiting list. A copy of the notice to the applicant of his/her removal will be maintained in the applicant's file.

#### 8.6 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment with the Housing Authority will be sent a notice of termination of the process for eligibility. If the applicant fails to respond to the notice within 45 days of the date of the notice, the applicant will be removed from the waiting list.

The Housing Authority will allow the family to reschedule for good cause. Generally, no more than one opportunity will be given to reschedule and no more than two opportunities will be given for good cause. When good cause exists, the Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

#### 8.7 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Housing Authority, in writing, that they have ten (10) calendar days from the date of the written correspondence to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the specified time-frame. The Housing Authority system of removing applicant names from the waiting list will not violate the rights of persons with disabilities. If an applicant claims that their failure to respond to a request for information or updates was caused by a disability, the Housing Authority will verify that there is in fact a disability and the disability caused the failure to respond, and once verified will provide a reasonable accommodation. An example of a reasonable accommodation would be to reinstate the applicant

on the waiting list based on the date and time of the original application.

9.0 TENANT SELECTION AND ASSIGNMENT PLAN

9.1 PREFERENCES

The Housing Authority will select families from its waiting lists based on the following preferences, within each bedroom size category, within the numeric limits established in the Authority's "Income Mixing" Policy, and within HUD regulations including the date the complex was made available for occupancy:

- A. Higher Income- in descending order of income within the category of "Higher Income"(above 50% of Medium and at or below 80%) for families with the same income, in this category families of veterans will be selected first.
- B. Low Income- in descending order of income within the category of "Low Income"(50% of Medium or less, but above 30%) families with a member(s) employed or enrolled and successfully participating in an employment/training or educational program will receive higher preference over families without such a member. Within these categories, families with the same amount of income who are families of veterans will be selected first.
- C. Extremely Low- in descending order of income within the category "Extremely Low Income"(30% of Medium or below) families with a member(s) employed or enrolled and successfully participating in an employment/training or educational program will receive higher preference over other families without such a member. Within these categories, families with the same amount of income who are families of veterans will be selected first.

Based on the above preferences, vacancies (categorized as either "higher income" or extremely low income" vacancies to meet HUD and agency Income Mixing requirements) in the various complexes will be filled as follows:

TABLE 1

Decon Vac Type	Higher Inc Com avail af 1981*	Lower Inc Com avail af 1981*	Higher Inc Com avail bfr 1981	Lower Inc Com avail bfr 1981
Ext. Low	c, b, then a	b, c, then a	c, a, then b	a, b, then c
Higher Income	b, c, then a	b, c, then a	a, b, then c	a, b, then c

\* Commonly known as the "Rossi" Apartments

Based on the preference order established in table 1, families in the various preference categories will receive preference depending on the type of vacancy (extremely low or higher income) and HUD occupancy restrictions applicable to the particular complex. All families in the first preference category indicated in each cell of the table will be offered housing before any families in the second preference category, and all of those families before families in the third preference category.

Notwithstanding the above, single persons who are elderly, handicapped, or disabled will have preference over other non-elderly, handicapped, or disabled single persons and shall be offered housing before those persons.

Buildings Designated as Elderly Only Housing: The ( "Rossi" and "Scheeli" apts - 60 units total) were built as and have been approved as being designated for elderly occupancy only. In filling vacancies in these developments, first priority will be given to elderly families or elderly single persons. If there are no elderly on the list, next priority will be given to the near-elderly. If there are no near-elderly, units will be offered to families who qualify for the appropriate bedroom size. Using these priorities, families will be selected from the waiting list using the preferences as outlined above.

Accessible Units: Accessible units will be first offered to families who may benefit from the accessible features. Applicants for these units will be selected utilizing the same preference system as outlined above. If there are no applicants who would benefit from the accessible features, the units will be offered to other applicants in the order that their names come to the top of the waiting list. Such applicants, however, must sign a release form stating they will accept a transfer (to be accomplished at their own expense) if, at a future time, a family requiring an accessible feature is determined eligible for that particular type of unit. Any family required to transfer will be given a 30-day notice.

9.2 ASSIGNMENT OF BEDROOM SIZES

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

TABLE 2

Number of Bedrooms	Number of Persons	
	Minimum*	Maximum
1	1	3
2	2	5
3	4	7
4	6	9

5	8	11
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\* See Consideration A, Below

These standards are based on the standard that each bedroom will accommodate no more than two (2) persons plus one (1) person for the entire house.

In determining bedroom size, the Housing Authority will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school, or children who are temporarily in foster-care.

Applicant families may choose the bedroom size for which they wish to apply, providing that their family size falls within the minimum and maximum number of persons within each established bedroom size category in table 2. Applicant families choosing to house children of the opposite sex in the same bedroom or those choosing to house the maximum number of persons, shall be provided with a copy of the Authority's transfer policy.

These applicants shall not be eligible for transfer because of family size, unless the family's composition exceeds the maximum or falls below the minimum limit established.

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

- A. The minimum number of persons allowable in Table 2, applies to single headed households only
- B. A maximum of two persons will share a bedroom.
- C. Adults and children will not be required to share a bedroom.
- D. Foster - adults - children will not be required to share a bedroom with family members.
- E. A Live-in aide will get a separate bedroom.
- F. The livingroom will be considered a sleeping room for families with the maximum number of persons.
- G. A single person shall only be assigned a one bedroom unit.

Exceptions to normal bedroom size standards include the following:

- A.B. Units larger than assigned through the above guidelines - A family may request a larger unit size than the guidelines allow. The Housing Authority may allow the larger size unit if the family provides verification of a medical or home business need necessitating that the family be housed in a larger unit.
- B. If there are no families on the waiting list for a larger or smaller sized unit(s) or if all eligible families have rejected the unit, smaller or larger families may be housed in a particular unit if they sign a release form stating they will transfer (at the family's

own expense) to the appropriate size unit when an eligible family needing the unit is determined eligible. In all such cases the family will not be required to move for at least twelve (12) months from the day of acceptance. When required to transfer, the family will be given at least 30-day advance notice before being required to move.

- C. Larger units (one bedroom larger than the family would normally qualify for) may be offered in order to improve the marketing of a development suffering a high vacancy rate.

### 9.3 SELECTION FROM THE WAITING LIST

The Housing Authority shall follow HUD's statutory "Income Mixing" requirement that at least 40% of newly admitted families in any fiscal year be families whose annual income is at or below 30% of the area median income. To insure this requirement is met we shall monitor, on a monthly basis, the incomes of newly admitted families. If it appears that the requirement to house extremely low-income families will not be met, we will skip higher income families on the waiting list to reach extremely low-income families.

If there are not enough extremely low or higher income families on a particular waiting list(s) outreach and marketing will be conducted on a non-discriminatory basis to attract needed families in the needed income ranges.

### 9.4 OFFER OF A UNIT

When the Housing Authority discovers that a unit will become available, we will contact the first family on the waiting list who has the highest priority for the type of unit or development and whose income category meets our income targeting goals.

The Housing Authority will contact the family first by telephone to make the unit offer. If the family cannot be reached by telephone, the family will be notified of a unit offer via first class mail. The family will be given five (5) business days from the date the letter was mailed to contact the Housing Authority regarding the offer.

The family will be offered the opportunity to view the unit. After the opportunity to view the unit, the family will have two (2) days to accept or reject the unit. The offer and the family's decision must be documented in the family's file. If the family rejects the offer of the unit, the Housing Authority will document the offer and the rejection.

### 9.5 REJECTION OF A UNIT

The Housing Authority's "two unit offer and rejection" rule provides that families may reject up to two offered units, without good cause before their application is canceled.

If the family rejects the unit without good cause, the family will forfeit their application's date and time. The family will keep their preferences, but the date and time of application will be changed to the date and time the unit was rejected, and the family will be placed at the bottom of the

applicable "Eligible Waiting List".

If the family rejects with good cause any unit offered, they will not lose their place on the waiting list. Good cause includes reasons related to health, proximity and availability of transportation to work, school, and childcare (for those working or going to school). All determinations made regarding "proximity" and other applicable determinations will be made in conformance with the distance and other standards established in the Authority's Transfer Policy. The family will be offered the right to an informal review of any decision to lose their place on or be removed from any waiting list.

#### 9.6 ACCEPTANCE OF A UNIT

All adult family members will be required to sign a lease that will become effective no later than one (1) business day after the date of acceptance or the business day the unit becomes available, whichever is later.

Prior to signing the lease all families (head of household and or spouse) and will be required to attend the Lease and Occupancy Orientation when they are initially accepted onto the "Eligible for Occupancy" list. The family will not be housed if they have not attended the orientation. Applicants who provide prior notice of an inability to attend the orientation will be rescheduled. Failure of an applicant to attend the orientation, without good cause, will result in the cancellation of their application.

At the Orientation and or at the time of lease execution as applicable, the applicant will be provided a copy of the lease, the "Occupancy Orientation Manual", which includes the grievance procedure, utility allowances, the current schedule of routine maintenance charges, other commonly used agency forms, and a request for reasonable accommodation form. These documents will be explained in detail. The applicant will sign a certification that they have received these documents and that they have reviewed them with Authority personnel. The certification will be filed in the tenant's file.

The signing of the lease and the review of financial information are to be privately handled. One executed copy of the lease will be furnished to the head of household and the Housing Authority will retain the original executed lease in the tenant's file.

The family will pay any applicable security deposit(s) at the time of lease execution. The security deposit will be as follows:

- A. For an elderly person in a one bedroom unit: \$100.00
- B. For elderly and families in a two bedroom unit: \$200.00.
- C. For elderly and families in a three bedroom unit: \$225.00.
- D. For elderly and families in a four bedroom unit: \$250.00.
- E. Pet deposit: \$25.00 - \$200.00

The Housing Authority's pet security deposit varies between different types of units depending on the amenities of a particular unit, such as unit size and carpeting, and the type of pet selected.

The Housing Authority reserves the right from time to time to review and adjust the amount of the security deposit provided that affected families are given proper and timely notice of any such adjustment and an opportunity to pay any additional security deposit amount in payments, if necessary, or terminate their residency prior to any new security deposit amount taking effect.

Under some circumstances, the Housing Authority may allow a resident to pay their security deposit in up to three (3) payments. All such arrangements will be executed on an "Extended Payment Agreement" and will be in conformance with the Authority's Collections Policy. The decision to allow payments shall be at the sole discretion of the Housing Authority and in conformance with the Collections Policy.

#### 10.0 INCOME, EXCLUSIONS FROM INCOME, AND DEDUCTIONS FROM INCOME

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

#### 10.1 INCOME

Annual income means all amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

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 the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not 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 is included in income, except to the extent the withdrawal is a 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 are not 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 an investment is 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 in excess of \$5,000, annual income includes 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.
- D. The full amount of periodic amounts 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 amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
- E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
- F. Welfare assistance.
  - 1. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
    - a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
    - b. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and

utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of that percentage.

2. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.
  3. If the amount of welfare assistance is reduced as a result of a lifetime time limit for the program, the reduced amount is the amount that shall be counted as income.
- G. Periodic and determinable allowances, such as alimony, child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
- H. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

## 10.2 ANNUAL INCOME

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 persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- 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;
- 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. The amounts received from the following programs:

1. Amounts received under training programs funded by HUD;
2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in a qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. 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;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides 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 purposes of this exclusion the following definitions apply:
  - a. Comparable Federal, State or local law means a program providing employment training and supportive services that:

- i. Is authorized by a Federal, State or local law;
    - ii. Is funded by the Federal, State or local government;
    - iii. Is operated or administered by a public agency; and
    - iv. Has as its objective to assist participants in acquiring employment skills.
  - b. 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.
  - c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.
11. The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #10, until any applicable exclusionary period (up to 18 months) has ended. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years. Family members may be employed for periods not to exceed 10 hours weekly, 52 weeks yearly at the minimum wage and still be considered "unemployed" for purposes of this determination.
  - b. Families whose income increases during the participation of a family member in any family self-sufficiency program.
  - c. Families who are or were, within 6 months, assisted under a State TANF program. HUD regulations and agency policy allow for the housing authority to offer a savings account in lieu of having a portion of their income excluded under this paragraph(see section 11.4, below, Individual Savings Account In Lieu Of Income Disregard).
12. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;
13. 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;

14. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
15. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
  - a. The value of the allotment of food stamps
  - b. Payments to volunteers under the Domestic Volunteer Services Act of 1973
  - c. Payments received under the Alaska Native Claims Settlement Act
  - d. Income from submarginal land of the U.S. that is held in trust for certain Indian tribes
  - e. Payments made under HHS's Low-Income Energy Assistance Program
  - f. Payments received under the Job Training Partnership Act
  - g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
  - h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
  - i. Amount of scholarships awarded under Title IV including Work Study
  - j. Payments received under the Older Americans Act of 1965
  - k. Payments from Agent Orange Settlement
  - l. Payments received under the Maine Indian Claims Act
  - m. The value of child care under the Child Care and Development Block Grant Act of 1990
  - n. Earned income tax credit refund payments
  - o. Payments for living expenses under the Americorps Program
  - p. Additional income exclusions provided by and funded by the Housing Authority

The Housing Authority does not provide any other exclusions from income in addition to those already provided by law.

### 10.3 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent;

- B. \$400 for any elderly family or disabled family;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses in excess of 3% of annual income. This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.
- D. For any elderly or disabled family:
  - 1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 3% of annual income;
  - 2. That has disability expenses greater than or equal to 3% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
  - 3. That has disability assistance expenses that are less than 3% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 3% of annual income.
- E. Child care expenses.

#### 10.4 INDIVIDUAL SAVINGS ACCOUNT IN LIEU OF INCOME DISREGARD

A family may choose an individual savings account instead of receiving the 12-month disallowance of earned income and the phasing in of rent increases as described in Section 11.2 H(11), above. Families who choose individual savings accounts will pay the higher rent based on 30% of adjusted family income and the Housing Authority will deposit, on a bi-annual basis, the difference between the amount of rent that would have been charged with the disallowance and the amount charged into an interest bearing savings account. Once the account is established, the family may access the account only for purchasing a home, paying education costs, moving out of public housing, or for other purposes promoting self-sufficiency as determined by the Housing Authority.

- A. Management of The Accounts: The HA shall deposit the account funds of all families participating in the HA's disallowance program into a single depository account. The HA will deposit the account funds in one or more HUD-approved investments. The total of the combined account funds will be supported in the HA accounting records by a subsidiary ledger showing the balance applicable to each participating family. During the term of the contract of participation, the HA shall credit periodically, but not less than bi-annually, to each family's account, the amount will be prorated and credited to each family's account based on the balance in each family's account at the end of the period for which the investment income is credited.
- B. Reduction of Amounts Due to a Participating Family: If the participating family has not paid the rent, or other amounts, if any, due under the lease, the balance in the family's account shall be reduced by the amount owed. If the family has under

reported income, the amount credited will be adjusted accordingly.

- C. Reporting on Account: The Housing Authority will be required to make a report, at least bi-annually, to each participating family on the status of the family's account. The report will include:
- (i) The balance at the beginning of the reporting period;
  - (ii) The amount of the family's rent payment that was credited to the account, during the reporting period;
  - (iii) Any deductions made from the account for amounts due the Housing Authority before interest is distributed;
  - (iv) The amount of interest earned on the account during the year; and
  - (v) The total in the account at the end of the reporting period.
- D. Disbursement of Account: The amount in an account, in excess of any amount owed to the Housing Authority by the participating family, shall be paid to the head of the family when the contract of participation has been completed or during the term of the contract if the family makes a request, in writing, and the request is verified and found consistent with the contract of participation, for reasons such as enrolment in an education program, or job training, or to meet start-up expenses involved in creation of a small business, or other similar activities. The HA may, at its sole option, disburse a portion of the funds from the family's account to assist the family in meeting those expenses.
- E. Succession to Account: If the head of the family ceases to reside in the household, the remaining adult family members of the family, after consultation with the Housing Authority, shall have the right to designate another family member to receive the funds.

#### 11.0 VERIFICATION

The Housing Authority will verify information related to waiting list preferences, eligibility, admission, and level of benefits prior to admission. Periodically during occupancy, items related to eligibility, rent determination, and other program or agency requirements shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, compliance with community service or training program requirements (HUD or TANF), need for a live-in aide and or other reasonable accommodations; full time student status of family members 18 years of age and older; Social Security numbers; citizenship/eligible non-citizen status; pet and car registration. Age and relationship will only be verified in those instances where needed to make a determination of the level of assistance.

11.1 ACCEPTABLE METHODS OF VERIFICATION

Age, income, relationship, U.S. citizenship, pet, car registration, compliance with community service or training program requirements (HUD or TANF) and Social Security numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photocopies of the Social Security cards and other "official documents" presented by the family, the INS SAVE approval code, and forms signed by the family.

If any questionable documentation is provided, the accuracy of that documentation will be verified by direct third party verification. This type of verification includes written documentation with forms sent directly to and received directly by a source, not passed through the hands of the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Housing Authority or automatically by another government agency, i.e. HUD or the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When neither third party verification nor hand-carried verification can be obtained, the Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

11.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Housing Authority will send a request form to the source along with a release form, (if the source does not have a current release of information form "on file") signed by the applicant/tenant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification payments
Full time student status (if >18)	Letter from school	Any document evidencing full-time enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	Letter from doctor or other professional knowledgeable of condition
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDS, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Pay stubs w/year to date,

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
		Tax return w/w-2's
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers compensation, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> <li>- whether enrolled or completed</li> <li>- whether training is HUD-funded</li> <li>- whether Federal, State, local govt., or local program</li> <li>- whether it is employment training</li> <li>- whether it has clearly defined goals and objectives</li> <li>- whether program has supportive services</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> <li>- date of first job after program completion</li> </ul>	Letter from program provider indicating <ul style="list-style-type: none"> <li>- whether enrolled or completed</li> <li>- whether training is HUD-funded</li> <li>- whether Federal, State, local govt., or local program</li> <li>- whether it is employment training</li> <li>- whether it has clearly defined goals and objectives</li> <li>- whether program has supportive services</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> <li>- date of first job after program completion</li> </ul> Evidence of job start

### 11.3 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a Social Security card, birth certificate, military ID, or military DD 214 Form.

Prior to being admitted or at the first reexamination, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Housing Authority will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Housing Authority will mail information to the INS in order that a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals, or eligible noncitizens must be listed on a statement of noneligible members and the list must be signed by the head of the household.

Noncitizen students on student visas, though in the country legally, are not eligible to be admitted to public housing, unless they are part of an eligible family headed by a person who is not the student.

Any family member who does not choose to declare their status must be listed on the statement of noneligible members.

If no family member is determined to be eligible under this section, the family's eligibility will be denied.

The family's assistance will not be denied, delayed, reduced, or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If the Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted. Such family will not be eligible to be readmitted to public housing for a period of 24 months from the date of eviction or termination.

#### 11.4 VERIFICATION OF SOCIAL SECURITY NUMBERS

Prior to admission, each family member who has a Social Security number and who is at least 6 years of age must provide verification of their Social Security number. New family members at least 6 years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security number is the original Social Security card. If the card is not available, the Housing Authority will accept letters from the Social Security Agency that establishes and states the number. Documentation from other governmental agencies will also be accepted that establishes and states the number. Driver's licenses, military IDs, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security number, they will be required to sign a statement to this effect. The Housing Authority will not require any individual who does not have a Social Security number to

obtain a Social Security number.

If a member of an applicant family indicates they have a Social Security number, but cannot readily verify it, the family cannot be housed until verification is provided.

If a member of a tenant family indicates they have a Social Security number, but cannot readily verify it, they shall be asked to certify to this fact and shall have up to sixty (60) days to provide the verification. If the individual is at least 62 years of age, they will be given one hundred and twenty (120) days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be evicted.

#### 11.5 TIMING OF VERIFICATION

Verification information must be dated within ninety (90) days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

#### 11.6 FREQUENCY OF OBTAINING VERIFICATION

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

For each family member age 6 and above, verification of Social Security number will be obtained only once. This verification will be accomplished prior to admission. When a family member is added or when a member did not have a Social Security number at admission and receives a Social Security number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

#### 12.0 DETERMINATION OF TOTAL TENANT PAYMENT AND TENANT RENT

##### 12.1 FAMILY CHOICE

At admission and each year thereafter during re-examination or re-examination anniversary date, each family is given the choice or may request to have their rent determined under the 30% of income formula method or set at the flat rent amount.

A. Families choosing the flat rent method will only be required to go through the income reexamination process every three years. Applicable community service requirements must be verified yearly within sixty (60) to thirty (30) days prior to the family's re-examination anniversary date and within thirty (30) days of the expiration of the term of the lease, if the re-examination and lease expiration dates differ, regardless that the family's may be on a three (3) year re-examination schedule.

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

following reasons:

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

#### 12.2 THE FORMULA METHOD

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or a minimum rent of \$50.00.

In the case of a family who has qualified for the income exclusion at Section 11.2(H)(11), upon the expiration of the 12-month disallowance period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the resulting rent increase will be capped at 50 percent of the rent increase the family would have otherwise received.

#### 12.3 MINIMUM RENT

The Housing Authority has set the minimum rent at \$00.00. However if the family requests a hardship exemption, the Housing Authority will immediately suspend the minimum rent for the family until the Housing Authority can determine whether the hardship exists and whether the hardship is of a temporary or long-term nature.

- A. A hardship exists in the following circumstances:
  1. When the family has lost eligibility for or is waiting an eligibility determination for a Federal, State, or local assistance program, except in cases involving fraud or program non-compliance by the family;
  2. When the family would be evicted as a result of the imposition of the minimum rent requirement (the family will not be considered to qualify under this section of the provision if the family decides to use family income to pay other non-essential bills, car or credit card payments etc, instead of the family's rent);
  3. When the income of the family has decreased because of changed circumstances, including loss of employment;
  4. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
  5. When a death has occurred in the family.

- B. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent for the time of suspension.
- C. Temporary hardship. If the Housing Authority reasonably determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will be not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a repayment agreement in accordance with the Section 19 of this policy for any rent not paid during the period of suspension. During the suspension period the Housing Authority will not evict the family for nonpayment of the amount of tenant rent owed for the suspension period.
- D. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
- E. Appeals. The family may use the grievance procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the grievance procedure.

#### 12.4 THE FLAT RENT

The Housing Authority has set a flat rent for each public housing unit. In doing so, it considered the size and type of the unit, as well as its condition, amenities, services, and neighborhood. The Housing Authority determined the market value of the unit and set the rent at the market value. The amount of the flat rent will be reevaluated periodically and adjustments applied. Affected families will be given a 30-day notice of any flat rent change affecting the amount of rent the family pays. At the sole discretion of the Housing Authority, adjustments may be applied on the re-examination anniversary date for each affected family (for more information on flat rents, see Section 15.3).

The Housing Authority will post the flat rents at each of its offices and are incorporated in this policy upon approval by the Board of Commissioners. See appendix 2, or current Flat Rent amounts.

#### 12.5 CEILING RENT

The Housing Authority has set a ceiling rent for each public housing unit. The amount of the ceiling rent will be reevaluated annually and the adjustments applied. Affected families will be given a 30-day notice of any rent change. Adjustments are applied on the anniversary date for each affected family.

The Housing Authority will post the flat rents at each of its offices and are incorporated in this policy upon approval by the Board of Commissioners. See appendix 3, or current Ceiling Rent amounts.

#### 12.6 RENT FOR FAMILIES UNDER THE NONCITIZEN RULE

A mixed family will receive full continuation of assistance if all of the following conditions apply:

- A. The family was receiving assistance on June 19, 1995;

- B. The family was granted continuation of assistance before November 29, 1996;
- C. The family's head or spouse has eligible immigration status; and
- D. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision, the family receives full assistance. If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three (3) years. If granted after that date, the maximum period of time for assistance under the provision is eighteen (18) months. The Housing Authority will grant each family a period of six (6) months to find suitable affordable housing. If the family can verify that after diligent efforts it cannot find suitable affordable housing, the Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

For "Mixed Families" assistance is prorated in the following manner:

- A. Determine the 95<sup>th</sup> percentile of gross rents (tenant rent plus utility allowance) for the Housing Authority . The 95<sup>th</sup> percentile is called the maximum rent.
- B. Subtract the family's total tenant payment from the maximum rent. The resulting number is called the maximum subsidy.
- C. Divide the maximum subsidy by the number of family members and multiply the result times the number of eligible family members. This yields the prorated subsidy.
- D. Subtract the prorated subsidy from the maximum rent to find the prorated total tenant payment. From this amount subtract the full utility allowance to obtain the prorated tenant rent.

#### 12.7 UTILITY ALLOWANCE

The Housing Authority has established a utility allowance for all units with tenant-paid utilities. The allowance is based on a reasonable consumption of utilities by an energy-conservative household (by bedroom size) of modest circumstances consistent with the requirements of a safe, sanitary, and healthful environment. In adjusting the allowance, the Housing Authority will review the actual consumption of tenant families as well as changes made or anticipated due to modernization (weatherization efforts, installation of energy-efficient appliances, etc). Allowances will be evaluated periodically as well as any time utility rates change by 10% or more since the last revision to the allowances.

The utility allowance will be subtracted from the family's rent to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the Housing Authority . The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belongs to the tenant.

Utility allowance revisions based on rate or other changes shall be effective at each family's next annual reexamination.

Families with high utility costs are encouraged to contact their utility provider for an energy analysis. The analysis may identify problems with the dwelling unit that once corrected will reduce energy costs or it can assist the family in identifying ways they can reduce their costs.

## 12.8 PAYING RENT

Rent and other charges are due and payable on the first day of the month and must be received within five (5) working days. All non-delinquent rents must be paid to: The Housing Authority of The City of Riverbank, 3309 Stanislaus St, P.O. Box 695, Riverbank, Calif,95367. Reasonable accommodations for this requirement will be made for persons with disabilities or elderly persons. As a safety measure, cash should never be mailed as payment.

Residents who fail to pay rent on or before the fifth working day shall be subject to the following:

1. The Housing Authority assessing the resident a 14- Day Notice charge of \$10.00. The charge may be waived by the Housing Authority under the following conditions:
  - A. The resident has provided written verification and has received an approved "Extended Payment Agreement", from Management, prior to the fifth working day of the month for emergency reasons affecting the residents ability to timely pay rent.

An "Emergency" is: an unforeseen circumstance or event that cannot reasonably be expected to be ignored. An emergency may include, but not be limited to:

- A death in the family, where the resident has incurred expenses in excess of one month's rent and utility bills.
- Medical expenses not ordinarily covered by the resident's health coverage in excess of one month's rent and utility bills.
- Auto repair expenses in excess of one month's rent and utility bills, when the family owns only one auto and the auto is the only means to commute to work, school, doctor, or daycare on a regular basis.

The 14-Day notice shall be served on the resident by first class mail. The Authority will accept less than the full amount of unpaid rent during the initial eleven (11) days of the fourteen day period. The notice shall not be considered 'cured' if less than the full amount of rent owing has been paid.

If rent remains unpaid on the eleventh (11) day of the 14-Day Notice period, the Authority shall serve a Three-Day Notice To Pay Rent or Quit. A \$10.00 service fee will be assessed against the resident's account. The Three-Day Notice must be served as follows:

- A. serviced personally to each adult family member; or
- B. handed personally to an adult family member (18 years or older) and a copy mailed by first-class mail to each adult family member not personally served; or
- C. if no one is home, the notice will be posted on the front door of the unit and a copy mailed by first class mail to each adult member of the household; or

Upon the issuance of a Three-Day Notice and within the legal period provided, only the full amount of rent will be accepted by the Housing Authority. The delinquent rent must be paid at the Authority's Office located at 3309 Stanislaus St. Riverbank, Calif. Residents who fail to pay at the office as required shall be charged any fees incurred by the Housing Authority in the preparation or filing of any legal papers or actions that subsequently may be dropped, if resident's payment was mailed within the three day notice period. After the expiration of the Three-Day Notice period, the Housing Authority may refuse to accept rent and proceed with further legal action.

Residents who receive three 14 day Notice assessments, returned check charges or Three-Day Notice service charges or any combination thereof, within a six-month period shall be provided an opportunity to attend a Housing Authority provided personal finance and budgeting training course. Residents who fail to participate shall be advised in writing that legal action may be commenced upon their receipt of a fourth late charge.

Residents who successfully complete the training course shall have their records cleared, except for late charges incurred which will remain due and payable, of their previous three late rent payment infractions. If, however, a resident who has participated in the budgeting training course receives two subsequent charges, that resident family will be blocked from retaking the training and legal action may be commenced on the third subsequent charge.

### 13.0 CONTINUED OCCUPANCY AND COMMUNITY SERVICE

#### 13.1 GENERAL

In order to be eligible for continued occupancy, each adult family member must either (1) contribute eight hours per month of community service (not including political activities) within the community in which the public housing development is located, or (2) participate in an economic self-sufficiency program unless they are determined exempt from this requirement

#### 13.2 EXEMPTIONS

The following resident, adult family members may be exempt from this requirement if their exemption can be documented by the family and verified by the Housing Authority.

- A. Family members who are 62 or older
- B. Family members who are blind or disabled

- C. Family members who are the primary care giver for someone who is blind or disabled
- D. Family members engaged in work activity as defined under part A, title IV, of the Social Security Act
- E. Family members who are exempt from work activity under part A, title IV, of the Social Security Act or under any other State welfare program, including the welfare-to-work program
- F. Family members receiving assistance under a State program funded under part A, title IV, of the Social Security Act or under any other State welfare program, including welfare-to-work and who are in compliance with that program

### 13.3 NOTIFICATION OF THE REQUIREMENT

In all resident annual re-examination notifications beginning on October 1, 1999, Housing Authority staff shall notify each affected family that during their up coming re-exam, Authority staff will identify and or verify compliance with, as applicable, all adult exempt and non-exempt family members for purposes of the family meeting its community service requirements.

The notification will explain the family's responsibility to provide verification for all non-exempt adult family member's compliance with the community service requirement, to verify continued exempt status for those previously granted exempt status, and the verification of any changes in any family member status. The Housing Authority shall verify such claims.

The notification will further advise families that their community service obligation will begin upon the effective date of their first annual reexamination on or after 10/1/99. For family's paying a flat rent, the obligation begins on the date their annual reexamination would have been effective had an annual reexamination taken place. It will also advise all residents that their failure to comply with the community service requirement will result in ineligibility for continued occupancy at the time of any subsequent annual reexamination.

Initially, the Housing Authority will conduct training and educational meetings focused on the program and it's requirements for all affected families.

### 13.4 VOLUNTEER OPPORTUNITIES

Community service includes performing work or duties in the public benefit that serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the complex is located. Because of the small community nature of the City of Riverbank where our complexes are located and the lack of availability of placement opportunities, the "community in which the complex is located" shall be defined as the complex and the geographic areas around it sufficient to allow for the resident to find and retain placement.

An economic self sufficiency program is one that is designed to encourage, assist, train or facilitate the economic independence of participants and their families or to provide work for participants. These programs may include programs for job training, work placement, basic skills training, education, English proficiency, work fare, financial or household management, apprenticeship, and any program necessary to ready a participant to work

(including, but not limited to such programs as substance abuse or mental health treatment).

The Housing Authority will coordinate with social service agencies, local schools, the Human Resources Office, and other agencies in identifying a list of volunteer community service positions. Lists will be made available to all residents.

The Housing Authority will create volunteer positions such as coordinating and record keeping and other clerical positions for resident volunteers.

### 13.5 THE PROCESS

At the first annual reexamination on or after October 1, 1999, and each annual reexamination thereafter, the Housing Authority will identify each adult family member who is non-exempt from the Community Service requirement and do the following:

- A. Provide the family a list of volunteer opportunities.
- B. Provide information about obtaining suitable volunteer positions.
- C. Provide a volunteer time sheet for every non-exempt family member. Instructions for the time sheet require the individual to complete the form and have a supervisor date and sign for each 8 hour volunteer period. The supervisor will attach a business card to the sheet.
- D. Refer family members to a volunteer coordinator who may assist family members in identifying appropriate volunteer positions and in meeting their responsibilities. The volunteer coordinator will track the family member's progress monthly and will meet with the family member as needed to best encourage compliance. Volunteer coordinators will be located and supervised from the Housing Authority office.

While the Housing Authority will provide support services to volunteers, it in no way assumes responsibility for nor guarantees the placement of nor can guarantee the meeting of any family member's Community Services requirements. This responsibility remains fully with the family.

- E. Sixty (60) days before the family's next lease anniversary date, the volunteer coordinator will update the volunteer's file, document compliance or non-compliance, and advise the Housing Authority. The volunteer coordinator will forward to the Housing Authority a signed certification of program compliance or executed agreement to cure non-compliance.

### 13.6 NOTIFICATION OF NON-COMPLIANCE WITH COMMUNITY SERVICE REQUIREMENTS

The Housing Authority will notify any family found to be in noncompliance of the following:

- A. The family member(s) has been determined to be in noncompliance;
- B. That the determination is subject to the grievance procedure; and
- C. That, unless the family member(s) enter into an agreement to comply, the lease will be terminated.

### 13.7 OPPORTUNITY FOR CURE

The Housing Authority will offer the family member(s) the opportunity to enter into an agreement prior to the anniversary of the lease. The agreement shall state that the family member(s) agrees to enter into an economic self-sufficiency or community service program for as many hours as needed to fulfill the time requirement over the past 12-month period. The cure shall occur over the 12-month period beginning with the date of the agreement and the resident shall at the same time stay current with the current's year's community service requirement. In all such agreements, the first 96 hours a resident earns will be credited toward the current's year's community service requirement with all additional hours credited to the amount owed for the previous year.

The volunteer coordinator will assist the family member in identifying volunteer opportunities and will track compliance on a monthly basis.

If any applicable family member does not accept the terms of the agreement, does not fulfill their obligation to participate in an economic self-sufficiency program, or falls behind in their obligation under the agreement to perform community service by more than three (3) hours over a three (3) month period, the Housing Authority shall take action to terminate the lease.

### 14.0 RECERTIFICATIONS

At least annually, the Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, (2) whether the family is housed in the correct unit size and (3) if the family remains eligible for continued occupancy.

### 14.1 GENERAL

The Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination, giving them the option of selecting either the flat rent or formula method, and scheduling an appointment if they are currently paying a formula rent. If the family thinks they may want to switch from a flat rent to a formula rent, the family must request an appointment. At the appointment, the family can make their final decision regarding which rent method they will choose. The letter also includes, for those families paying the formula method, forms for the family to complete in preparation for the interview. The letter tells families who may need to make alternate arrangements due to a disability and that they may contact staff to request an accommodation of their needs.

During the reexamination appointment, the Housing Authority will determine whether family composition may require a transfer to a different bedroom size unit, and if so, the family's name will be placed on the transfer list.

### 14.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Housing Authority taking eviction actions against the family.

### 14.3 FLAT RENTS

Each year prior to their anniversary date, The Housing Authority will send a reexamination letter to the family offering the choice between a flat or a formula rent and scheduling an appointment. The opportunity to select the flat rent is available only at this time. At the appointment, the Housing Authority may assist the family in identifying the rent method that would be most advantageous for the family. If the family wishes to select the flat rent method without meeting with the Housing Authority representative, they may make the selection on the form and return the form, by the specified date, to the Housing Authority. The family must still meet any community services requirements as indicated below. If the family signs and returns the Flat Rent letter and has fulfilled its community service requirements, the Housing Authority will cancel the appointment.

The annual letter to families paying a flat rent regarding the reexamination process will state the following:

- A. Each year at the time of the annual reexamination, the family has the option of selecting a flat rent amount in lieu of completing the reexamination process and having their rent based on the formula amount.
- B. The amount of the flat rent
- C. A fact sheet about formula rents that explains the types of income counted, the most common types of income excluded, and the categories allowances that can be deducted from income.
- D. Families who opt for the flat rent will be required to go through the income reexamination process every three years, rather than the annual review they otherwise would undergo.
- E. Families who opt for the flat rent may request to have a reexamination and return to the formula-based method at any time for any of the following reasons:
  - 1. The family's income has decreased.
  - 2. The family's circumstances have changed increasing their expenses for child care, medical care, etc.
  - 3. Other circumstances creating a hardship on the family such that the formula method would be more financially feasible for the family.
- F. The name and phone number of an individual to call to get additional information or counseling concerning flat rents.
- G. A certification for the family to sign accepting or declining the flat rent.
- H. For those families with non-exempt community services members, the letter will advise the family that all non-exempt family members must meet with their volunteer coordinator or Community Services Center staff within the 60 day period provided to verify compliance with community service requirements and that failure to do so will result in program termination.

### 14.4 THE FORMULA METHOD

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign HUD and other required consent forms.

Upon receipt of verification, the Housing Authority will determine the family's annual income and will calculate their rent as follows.

The total tenant payment is equal to the highest of:

- A. 10% of monthly income;
- B. 30% of adjusted monthly income; or
- C. The welfare rent.

The family will pay the greater of the total tenant payment or the minimum rent of \$50.00, but never more than the ceiling or flat rent, as applicable.

#### 14.5 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

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

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

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

#### 14.6 INTERIM REEXAMINATIONS

During an interim reexamination, only the information affected by the changes being reported will be reviewed and verified.

Families will not be required to report any decreases in allowable expenses between annual reexaminations.

Families are required to report the following changes to the Housing Authority between regular reexaminations. If the family's rent is being determined under the formula method, these changes will trigger an interim reexamination. The family shall report these changes within ten (10) days of their occurrence.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. Any change in household income (for formula based rent families only)
- D. Any change in household income that may cause the family to be over the allowable income limit as yearly set by HUD.
- E. Any change in any family member(s) community services status (exempt or non-exempt). These changes must be reported to the Community Services Center or the Volunteer Coordinator.

In order to add a household member other than through birth or adoption (including a live-in aide - only criminal history and employment screening will apply), the family must request that the new member be added to the lease. Before adding the new member to the lease, the family must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security number if they have one and must verify their citizenship/eligible immigrant status. (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.) The new family member will go through the screening process similar to the process for applicants. The Housing Authority will determine the eligibility of the individual before adding them to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, their name will be added to the lease. At the same time, if the family's rent is being determined under the formula method, the family's annual income will be recalculated taking into account the circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph 15.8, below.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances, depending on the rent option chosen. Upon such request, the Housing Authority will take timely action to process the interim reexamination and recalculate the tenant's rent.

#### 14.7 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for twelve (12) months, including families that temporarily have no income (0 renters) or have a temporary decrease in income, the Housing Authority may schedule special reexaminations every sixty (60) days until the income stabilizes and an annual income can be determined.

#### 14.8 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in the reexamination processing caused by the family, any rent increase will be effective the first of the second month after the date of the notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the rent amount is determined.

#### 15.0 UNIT TRANSFERS

##### 15.1 OBJECTIVES OF THE TRANSFER POLICY

The objectives of the Transfer Policy include the following:

- A. To address emergency situations.

- B. To fully utilize available housing resources while avoiding overcrowding by insuring that each family occupies the appropriate size unit.
- C. To facilitate a relocation when required for modernization or other management purposes.
- D. To facilitate relocation of families with inadequate housing accommodations.
- E. To facilitate and encourage family "Self Sufficiency" efforts.
- F. To eliminate vacancy loss and other expense due to unnecessary transfers.

## 15.2 CATEGORIES OF TRANSFERS

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

These transfers can be initiated by either the resident or Housing Authority. When requested by the resident for safety reasons, the request must be substantiated by written documentation that an event has occurred and will continue to occur that poses a safety risk of bodily injury to a family or its member/s. The continuing safety risk must be of such a nature as to preclude other remedies not involving a transfer. For example, a wife who is being abused by a husband must first seek to remedy the situation by obtaining a restraining order and enforcing its provisions before she is eligible for a transfer.

- A. If the condition continues, the wife would be eligible for transfer to the next transfer available unit upon her verification of enforcement.
- B. Housing Authority staff must document all mitigating remedies when a transfer is delayed or denied due to mitigating conditions.

Category 2: Immediate administrative transfers. These transfers are necessary in order to permit a family needing accessible features to move to a unit with such a feature or to enable modernization work to proceed. These transfers are initiated by the Housing Authority.

Category 3: Regular administrative transfers. These transfers are made to offer incentives to families willing to help meet certain Housing Authority occupancy goals or to rent vacant units in hard to rent complexes, to facilitate and encourage family "Self Sufficiency" efforts, to comply with occupancy standards where the unit size is inappropriate for the size and composition of the family, to allow for non-emergency but medically advisable transfers, and other transfers approved by the Housing Authority when a transfer is the only or best way of solving a serious problem. These transfers can be initiated by either the resident or Housing Authority.

## 15.3 DOCUMENTATION

When the transfer is at the request of the family, the family will be required to provide third party verification of the need for the transfer and of its meeting any other requirements for the particular category of transfer.

#### 15.4 INCENTIVE OR RESIDENT INITIATED TRANSFERS

Transfer requests will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median) predominates and they wish to move to a development where their income category does not predominate.

Families living in multifamily developments have the opportunity to transfer to scattered-site housing. Families living in developments requiring lawn and yard maintenance, where the family is unable to perform such maintenance because of age, handicap, or disability will be given the opportunity to transfer to a development where such service is provided by the Housing Authority.

All families with transfer requests initiated by the resident or those transfers initiated by the Housing Authority as "Incentive" transfers will comply with the following eligibility criteria, prior to the transfer being approved. The resident family must:

- A. Have been a tenant for one (1) year.
- B. For a minimum of one year, at least one adult family member is enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per week, the adult family members are 62 years of age or older or are disabled or are the primary care givers to others with disabilities (Incentive Transfer only, waived if the family income is above the 50% area medium);
- C. Adult members who are required to perform community service have been current in these responsibilities since the inception of the requirement or for one year which ever is less;
- D. The family is current in the payment of all charges owed the Housing Authority and has not paid late rent for at least one year;
- E. The family passes a current housekeeping inspection and does not have any record of housekeeping problems during the last year;
- F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug-related activity, or by threatening the health or safety of tenants or Housing Authority staff.

#### 15.5 PROCESSING TRANSFERS

Transfers on the waiting list will be sorted by the above categories and within each category by date and time.

Transfers in category 1 and 2 will be housed ahead of any other families, including those on the applicant waiting list. Transfers in category 1 will be housed ahead of transfers in category 2.

Transfers in category 3 will be housed along with applicants for admission at a ratio of one transfer for every seven admissions. The transfer ratio may be modified by the Housing Authority as need arises. Situations such as excessive move -outs or similar circumstances will be used in determining ratio adjustments. The following preferences will apply within the category 3 transfers:

1. Transfers when the family is underhoused. All transfers in this category shall be accomplished in descending order with the family most severely underhoused for which there is an available unit, transferred first.
2. Transfers when the family is over housed. All transfers in this category shall be accomplished in descending order with the family most underhoused for which there is an available unit, transferred first.
3. Transfers for non-severe medical reasons. (The determination of a non-severe medical condition shall be determined and documented in writing by the resident's Doctor)
4. Transfers due to excessive distance - A request for a transfer due to distance from work, doctor, day care or school may be submitted by a resident. To qualify, a resident must live at least 15 miles (one way) from the location to which they commute; commute to that location at least three times a week on a regular basis for an expected long duration of time; and live where no regular public transportation is available that is compatible with the resident's schedule.
5. Transfers due to inability to comply with lawn and yard maintenance requirements.
6. Other types of transfers properly categorized by this class of transfer.

Upon offer and acceptance of a unit, the family will execute all lease up documents and pay or make arrangements to pay any rent and/or security deposit within two (2) days of being informed the unit is ready to rent. The family will be allowed seven (7) days to complete a transfer. The family will be responsible for paying rent at the old unit as well as the new unit for any period of time that may exceed the seven (7) day period when they have possession of both.

Rejection of a transfer offer:

- A. If the family rejects with good cause any unit offered, they will not lose their place on the transfer waiting list.
- B. If the transfer is initiated by the Housing Authority and the family rejects two offers without good cause, the Housing Authority will take action to terminate their tenancy.
- D. If the transfer is being made at the family's request, the family may, without good cause and without penalty, turn down one offer. After turning down a second such offer without good cause, the family's name will be removed from the transfer list.

#### 15.6 COST OF THE FAMILY'S MOVE

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

- A. When the transfer is made at the request of the family or by others on

behalf of the family (i.e. by the police);

- B. When the transfer is needed to move the family to an appropriately sized unit, either larger or smaller;
- C. When the transfer is necessitated because a family with disabilities needs the accessible unit into which the transferring family moved (The family without disabilities signed a statement to this effect prior to accepting the accessible unit); or
- D. When the transfer is needed because action or inaction by the family caused the unit to be unsafe or uninhabitable.

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

- A. When the transfer is needed in order to carry out rehabilitation activities; or
- B. When action or inaction by the Housing Authority has caused the unit to be unsafe or inhabitable.

The responsibility for moving costs in other circumstances will be determined on a case by case basis.

#### 15.7 TENANTS IN GOOD STANDING

When the transfer is at the request of the family, it will not be approved unless the family is in good standing with the Housing Authority . This means the family must be in compliance with their lease, current in all payments to the Housing Authority, must have lived in their current unit for a one (1) year period (six months in some circumstances), and must pass a housekeeping inspection.

#### 15.8 TRANSFER REQUESTS

A tenant may request a transfer at any time by completing a transfer request form and providing any necessary verifications. In considering the request, the Housing Authority may hold a meeting with the tenant to better understand the need for transfer and to explore possible alternatives. The Housing Authority will review the request in a timely manner and if a meeting is desired, it shall contact the tenant within ten (10) business days of receipt of the request to schedule a meeting.

The Housing Authority will grant or deny the transfer request in writing within ten (10) business days of receiving the request and all required verification or holding the meeting, whichever is later.

If the transfer is approved, the family's name will be added to the transfer waiting list.

If the transfer is denied, the denial letter will advise the family of their right to utilize the grievance procedure.

#### 15.9 RIGHT OF THE HOUSING AUTHORITY IN TRANSFER POLICY

The provisions listed above are to be used as a guide to insure fair and impartial means of assigning units for transfers. It is not intended that this

policy will create a property right or any other type of right for a tenant to transfer or to refuse to transfer.

#### 16.0 INSPECTIONS

An authorized representative of the Housing Authority and the head of household and or co-head will inspect the premises prior to commencement of occupancy. A written statement of the condition of the premises will be made, all equipment will be provided, and the statement will be signed by both parties with a copy retained in the Housing Authority's file and a copy given to the family member. An authorized Housing Authority representative and the head of household and or co-head will inspect the premises at the time the resident vacates and will furnish a statement of any charges to be made provided the resident turns in the proper notice under State law. The resident's security deposit can be used to offset against any Housing Authority damages to the unit.

#### 16.1 MOVE-IN INSPECTIONS

The Housing Authority and the head of household and or co-head will inspect the unit prior to occupancy of the unit. Both parties will sign a written statement of the condition of the unit. A copy of the signed inspection will be given to the family and the original will be placed in the tenant file.

#### 16.2 ANNUAL INSPECTIONS

The Housing Authority will inspect each public housing unit annually to ensure that each unit meets the Housing Authority's housing standards. Work orders will be submitted and completed to correct any deficiencies.

#### 16.3 PREVENTATIVE MAINTENANCE INSPECTIONS

This inspection is intended to keep items in good repair. It checks weatherization; checks the condition of the smoke detectors, water heaters, furnaces, automatic thermostats and water temperatures; checks for leaks; and provides an opportunity to change furnace filters and provide other minor servicing that extends the life of the unit and its equipment.

#### 16.4 SPECIAL INSPECTIONS

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

#### 16.5 HOUSEKEEPING INSPECTIONS

Generally, at the time of annual reexamination, or at other times as necessary, the Housing Authority will conduct a housekeeping inspection to ensure the family is maintaining the unit in a safe and sanitary condition.

#### 16.6 NOTICE OF INSPECTION

For inspections defined as annual inspections, preventative maintenance inspections, special inspections, and housekeeping inspections the Housing Authority will give the tenant at least two (2) days written notice.

#### 16.7 EMERGENCY INSPECTIONS

If any employee and/or agent of the Housing Authority has reason to believe that an emergency exists within the housing unit, the unit can be entered without notice. The person(s) that enters the unit will leave a written notice

to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

#### 16.8 MOVE-OUT INSPECTIONS

The Housing Authority conducts the move-out inspection after the tenant vacates to assess the condition of the unit and determine responsibility for any needed repairs. When possible, the tenant is notified of the inspection and is encouraged to be present. This inspection becomes the basis for any claims that may be assessed against the security deposit.

#### 17.0 PET POLICY

##### 17.1 EXCLUSIONS

This policy does not apply to animals that are used to assist persons with disabilities. Assistive animals are allowed in all public housing facilities with no restrictions other than those imposed on all tenants to maintain their units and associated facilities in a decent, safe, and sanitary manner, to refrain from disturbing their neighbors, and to refrain from damaging the unit.

##### 17.2 PETS IN PUBLIC HOUSING DEVELOPMENTS

When final HUD regulations on pet ownership are issued and when a resident has complied with the following Housing Authority pet ownership conditions, the Housing Authority will allow for ownership of pets by any resident family and elderly and/or disabled families.

##### 17.3 APPROVAL

Residents must have the prior approval of the Housing Authority before moving a pet into their unit. Residents must request approval on the Authorization for Pet Ownership Form that must be fully completed and all terms complied with before the Housing Authority will approve the request. In addition, the resident shall have a history of behavior which would tend to indicate that they are likely to comply with the additional rules and regulations associated with the keeping of pets.

##### 17.4 TYPES OF PETS

The Housing Authority will allow only domesticated dogs, cats, birds, fish, rodents, turtles, and other animals allowed by law or ordinance in units. All dogs and cats must be neutered and or spayed.

The animal(s) shall be of a size and temperament so as to not pose an unreasonable threat of property damage or threat to the health or safety of neighbors or Housing Authority employees due to viciousness or improper control of animal waste. Any animal deemed to be "aggressive or territorial" or potentially harmful to the health or safety of others (including other pets) including attack or fight trained dogs, or prohibited by law or ordinance will not be allowed. Determinations on the "aggressive or territorial" or potentially harmful nature of a pet will be made according to established data bases on "pet temperament" such as Cyberpet and PetSmart data bases. In all cases where a proposed pet has been disapproved because of incompatible temperament, a copy of the data base "print-out" indicating the incompatibility will be provided to the resident and a copy, along with all other relevant information relating to the request, will be maintained in the resident's file.

For all requests for dogs, the resident must provide written documentation from a Vet or other competent professional of the dog's breed or breed mixture. In cases where the breed of the proposed dog is "mixed", residents will be responsible to provide the Housing Authority with a written determination from a Vet or other competent professional identifying the various "breeds" of the dog. The various breeds will then be compared to the databases. An "aggressive or territorial" or potentially harmful result for any of the dog's breeds will result in the denial of the request.

No animal may exceed thirty (30) pounds in weight.

#### 17.5 INOCULATIONS, LICENCING, AND PET IDENTIFICATION

In order to be authorized, pets, as applicable, must be appropriately licensed and inoculated against rabies, distemper, parvo shots and other conditions prescribed by local ordinances.

For pets not totally confined to the interior of the unit, residents must provide a color photograph of the animal.

Pet owners shall be required to attach copies of licensing documents, immunization certifications, breed identification documentation, and proof of spaying/neutering to the application form at the time they seek approval from the Housing Authority to keep a pet.

Except for authorized birds, fish and other similar animals, the Housing Authority will issue a "Pet Tag" that must be worn along with the proper pet "licence" on a collar at all times by any authorized pet.

#### 17.6 HUMANE CONFINEMENT

The dwelling unit shall have adequate amenities, such as a yard and sufficient fencing, to allow proper humane confinement of the animal(s) and to prevent the disturbance of neighbors. In projects where no fences exist, the animal(s) shall be of a size and temperament so as to be able to be properly confined to the interior of the unit.

#### 17.7 PET DEPOSIT

A pet deposit of \$25 - 200.00 is required at the time of registering a pet. The deposit varies, depending on the pet selected, the unit, and the amenities of the unit, like carpeting. The deposit is refundable when the pet or the family vacate the unit, less any amounts owed due to damage beyond normal wear and tear.

#### 17.8 FINANCIAL OBLIGATION OF RESIDENTS

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

#### 17.9 NUISANCE OR THREAT TO HEALTH OR SAFETY

The pet and its living quarters must be maintained in a manner to prevent odors and any other unsanitary conditions in the family's unit and surrounding areas.

Repeated and substantiated complaints by neighbors or Housing Authority

personnel regarding pets disturbing the peace of neighbors through noise, odor, animal waste, damage to the premises, or other nuisance will result in the family having to remove the pet or move him/herself.

#### 17.10 DESIGNATION OF PET AREAS

For complexes where no exterior, individual yard fences are provided. Pets must be kept in the owner's apartment or on a leash at all times when outside (no outdoor cages may be constructed). In some complexes, pets will be allowed only in designated areas. Pet owners must clean up after their pets and are responsible for disposing of pet waste.

#### 17.11 VISITING PETS

Pet visitation is not allowed.

#### 17.12 RESIDENT ABSENCES FROM THE PREMISES

When absent from the unit, families with dogs or cats shall be responsible for the housing of their pet(s) somewhere other than on the premises overnight or longer periods. Families with pets shall have a standing arrangement, on file, with the Housing Authority providing for the care of pet(s) in the event that the family must leave their unit on an emergency basis. The arrangement will specify who will be responsible for assuring compliance with this provision.

#### 17.13 REMOVAL OF PETS

The Housing Authority, or an appropriate community authority, shall require the removal of any pet from a project if the pet's conduct or condition is determined to be a nuisance, a threat to the health or safety of other occupants of the project or of other persons in the community where the project is located, or if the pet causes damage to the premises.

#### 18.0 REPAYMENT AGREEMENTS

When a resident owes the Housing Authority charges or rent and is unable to pay the balance by the due date for emergency reasons, the resident may request that the Housing Authority allow an "Extended Payment Agreement". The Housing Authority will approve or reject such an agreement based on the Housing Authority's Collections Policy. All Extended Payment Agreements must assure that the full payment is made within the period provided. All Extended Payment Agreements must be in writing and signed by both parties. Failure to comply with Extended Payment Agreement terms will subject the Resident to eviction procedures.

#### 19.0 TERMINATION

##### 19.1 TERMINATION BY TENANT

The tenant may terminate the lease at any time upon submitting a 30-day written notice. The notice must be submitted at the Housing Authority's Central Office located at 1701 Robertson Rd., Modesto. If the tenant vacates prior to the end of the thirty (30) days, they will be responsible for rent through the end of the notice period or until the unit is re-rented, whichever occurs first. If the resident vacates without giving notice or fails to deliver possession of

the premises to Management, rent and resident's liability for the unit will continue until Management finds the unit vacant and takes possession.

#### 19.2 TERMINATION BY THE HOUSING AUTHORITY

The Housing Authority after 10/1/2000 will not renew the lease of any family that is not in compliance with the community service requirement or an approved Agreement to Cure. If they do not voluntarily leave the property, eviction proceedings will begin.

The Housing Authority will terminate the lease for serious or repeated violations of the material terms of the lease. Such violations include but are not limited to the following:

- A. Nonpayment of rent or other charges;
- B. A history of late rental payments;
- C. Failure to provide timely and accurate information regarding family composition, income circumstances, or other information related to eligibility or rent;
- D. Failure to allow inspection of the unit;
- E. Failure to maintain the unit in a decent, safe, and sanitary manner;
- F. Assignment or subletting of the premises;
- G. Use of the premises for purposes other than as a dwelling unit (other than for housing authority approved resident businesses);
- H. Destruction of property;
- I. Acts of destruction, defacement, or removal of any part of the premises or failure to cause guests to refrain from such acts;
- J. Any criminal activity on the property or drug-related criminal activity on or off the premises. This includes but is not limited to the manufacture of methamphetamine on the premises of the Housing Authority
- K. Non-compliance with Non-Citizen Rule requirements;
- L. Permitting persons not on the lease to reside in the unit more than fourteen (14) days each year without the prior written approval of the Housing Authority;
- M. Management's discovery that RESIDENT or a household member is a registered sex offender;
- N. Engaging in alcohol or drug abuse, or any other activity that Management determines interferes with the health, safety, or right to peaceful enjoyment of other dwelling units;
- O. Resident or a member of the household is fleeing to avoid prosecution, custody, or confinement for a crime or attempt to commit a crime that is a felony;
- P. Resident or a member of the household is in violation of a condition of probation or parole imposed according to law; and

M. Other good cause.

### 19.3 ABANDONMENT

The Housing Authority will consider a unit to be abandoned when a resident has both fallen behind in rent for a minimum of 14 days AND has clearly indicated by words or actions an intention not to continue living in the unit.

When a unit has been abandoned, a Housing Authority representative may enter the unit and remove any abandoned property. The property will be stored in a reasonably secure place or it will remain in the unit, at the option of the Housing Authority. A notice will be mailed to the resident's address (so it can be forwarded by the post office) and to all known persons listed in the resident's application or file who may have knowledge of the resident's whereabouts. The notice will state where the property is being stored and when it will be sold or disposed of.

If the total value of the property is estimated at less than \$300.00, the Housing Authority will mail a notice of the disposition to the resident and then wait 18 days. Family pictures, keepsakes, and personal papers cannot be disposed of until 18 days after the Housing Authority mails the notice of abandonment.

If the estimated value of the property is more than \$300.00, the Housing Authority will mail a notice of the sale or disposition to the resident and then wait 18 days before sale or disposition. Personal papers, family pictures, and keepsakes can be sold or disposed of at the same time as other property.

If the personal property described in the notice is not released to the resident, it shall be sold at public sale by competitive bidding. Notice of the time and place of the public sale shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation published in the county where the sale is to be held. The last publication shall be not less than five days before the sale is to be held. The notice of the sale shall not be published before the last of the dates specified for taking possession of the property in any notice given pursuant to Section 1983. The notice of the sale shall describe the property to be sold in a manner reasonably adequate to permit the owner of the property to identify it. Any money raised by the sale of the property goes to cover money owed by the family to the Housing Authority such as back rent and the cost of storing and selling the goods. If there is any money left over and the family's forwarding address is known the Housing Authority will mail it to the family. If the family's address is not known, the Housing Authority will keep it for the resident for one year. If it is not claimed within that time, it belongs to the Housing Authority

Within 21 days of learning of an abandonment, the Housing Authority will either return the deposit or provide a statement of why the deposit is being kept.

### 19.4 RETURN OF SECURITY DEPOSIT

After a family moves out or no longer owns a pet for which a security deposit was paid, the Housing Authority will return the security deposit within 21 days or give the family a written statement of why all or part of the security deposit is being kept. The rental unit must be restored to

the same conditions as when the family moved in, except for normal wear and tear. Deposits will not be used to cover normal wear and tear or damage that existed when the family moved in.

The Housing Authority will be considered in compliance with the above if the required payment, statement, or both, are deposited in the U.S. mail with first class postage paid within 21 days.

20.0 FAMILY SELF SUFFICIENCY, IDA, AND HOME OWNERSHIP OPPORTUNITIES (RESERVED)

21.0 OCCUPANCY BY POLICE OFFICERS AND OVER-INCOME FAMILIES

21.1 The Housing Authority may allow police officers to reside in public housing. In so doing, the Housing Authority must follow HUD regulations and must provide for the housing of police officers in its Agency Plan. The Housing Authority may also rent units to over-income families on a month-to-month basis, in accordance with statutory requirements, if there are no eligible families applying for assistance for that month or on the "Eligible" waiting list, provided that the over-income family agrees to vacate (with at least 30 days notice) when the unit is needed for an income-eligible family. Prior to renting to over-income families, the Housing Authority will advertise the availability of units for a 30 day period in a local newspaper.

## GLOSSARY

**50058 Form:** The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

**1937 Housing Act:** The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

**Adjusted Annual Income:** The amount of household income, after deductions for specified allowances, on which tenant rent is based. (24 CFR 5.611)

**Adult:** A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

**Allowances:** Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

**Annual Contributions Contract (ACC):** The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

**Annual Income:** All amounts, monetary or not, that:

- A. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member; or
- B. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- C. Are not specifically excluded from annual income.

Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

**Applicant (applicant family):** A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

**As-Paid States:** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. Currently, the four as-paid States are New Hampshire, New York, Oregon, and Vermont.

**Assets:** The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

**Asset Income:** Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

**Ceiling Rent:** Maximum rent allowed for some units in public housing projects.

**Certification:** The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

**Child:** For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

**Child Care Expenses:** Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

**Citizen:** A citizen or national of the United States. (24 CFR 5.504(b))

**Consent Form:** Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

**Decent, Safe, and Sanitary:** Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

**Department:** The Department of Housing and Urban Development. (24 CFR 5.100)

**Dependent:** A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

**Dependent Allowance:** An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income.

**Disability Assistance Expenses:** Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

**Disability Assistance Expense Allowance:** In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

**Disabled Family:** A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

**Disabled Person:** See "person with disabilities."

**Displaced Family:** A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

**Displaced Person:** A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

**Drug-Related Criminal Activity:** Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

**Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 62 years of age; 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 with one or more live-in aides. (24 CFR 5.403)

**Elderly Family Allowance:** For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

**Elderly Person:** A person who is at least 62 years of age. (1937 Housing Act)

**Extremely low-income families:** Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

**Fair Housing Act:** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

**Family includes but is not limited to:**

- A. A family with or without children;
- B. An elderly family;
- C. A near-elderly family;
- D. A disabled family;
- E. A displaced family;
- F. The remaining member of a tenant family; and
- G. A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family. (24 CFR 5.403)

**Family Members:** All members of the household other than live-in aides, foster children, and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the lease.

**Family Self-Sufficiency Program (FSS Program):** The program established by a housing authority to promote self-sufficiency among participating families, including the coordination of supportive services. (24 CFR 984.103(b))

**Flat Rent:** A rent amount the family may choose to pay in lieu of having their rent determined under the formula method. The flat rent is established by the housing authority set at the lesser of the market value for the unit or the cost to operate the unit. Families selecting the flat rent option have their income evaluated once every three years, rather than annually.

**Formula Method:** A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the formula method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**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. (24 CFR 5.603(d))

**Head of Household:** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent. (24 CFR 5.504(b))

**Household Members:** All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan:** A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**Imputed Income:** For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**In-Kind Payments:** Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Interim (examination):** A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

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

- A. Is determined to be essential to the care and well-being of the persons;
- B. Is not obligated for the support of the persons; and
- C. Would not be living in the unit except to provide the necessary supportive services. (24 CFR 5.403(b))

**Low-Income Families:** Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80% of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs

or unusually high or low family incomes. (1937Act)

**Medical Expenses:** Medical expenses (of all family members of an elderly or disabled family), including medical insurance premiums, that are anticipated during the period for which annual income is computed and that are not covered by insurance. (24 CFR 5.603(d)). These expenses include, but are not limited to, prescription and non-prescription drugs, costs for doctors, dentists, therapists, medical facilities, care for a service animals, transportation for medical purposes.

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

**Monthly Adjusted Income:** One twelfth of adjusted income. (24 CFR 5.603(d))

**Monthly Income:** One twelfth of annual income. (24 CFR 5.603(d))

**National:** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession. (24 CFR 5.504(b))

**Near-Elderly Family:** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. (24 CFR 5.403(b))

**Net Family Assets:**

- A. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
- B. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered 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.
- C. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms. (24 CFR 5.603(d))

**Non-Citizen:** A person who is neither a citizen nor national of the United States. (24 CFR 5.504(b))

**Occupancy Standards:** The standards that a housing authority establishes for determining the appropriate number of bedrooms needed to house families of different

sizes or composition.

**Person with Disabilities:** A person who:

A. Has a disability as defined in Section 223 of the Social Security Act, which states:

"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or

In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."

B. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:

1. Is expected to be of long-continued and indefinite duration;
2. Substantially impedes his or her ability to live independently; and
3. Is of such a nature that such ability could be improved by more suitable housing conditions, or

C. Has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act, which states:

"Severe chronic disability that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the person attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and
5. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. (1937 Act)

No individual shall be considered to be a person with disabilities for purposes

of eligibility solely based on any drug or alcohol dependence.

**Proration of Assistance:** The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance. (24 CFR 5.520)

**Public Housing Agency (PHA):** Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

**Recertification or Reexamination:** The annual reexamination of a family's income, expenses, and composition to determine the family's rent.

**Remaining Member of a Tenant Family:** A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.)

**Self-Declaration:** A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

**Shelter Allowance:** That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

**Single Person:** Someone living alone or intending to live alone who does not qualify as an elderly family, a person with disabilities, a displaced person, or the remaining member of a tenant family. (Public Housing: Handbook 7465.1 REV-2, 3-5)

**State Wage Information Collection Agency (SWICA):** The State agency receiving quarterly wage reports from employers in the State or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information. (24 CFR 5.214)

**Temporary Assistance to Needy Families (TANF):** The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Tenant:** The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent:** The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone) and other essential housing services are 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. (24 CFR 5.603(d))

**Third-Party (verification):** Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

**Total Tenant Payment (TTP):**

- A. Total tenant payment for families whose initial lease is effective on or after August 1, 1982:

1. Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of :
  - a. 30% of the family's monthly adjusted income;
  - b. 10% of the family's monthly income; or
  - c. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.

2. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
  - B. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

**Utility Allowance:** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made by the Housing Authority of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (24 CFR 5.603)

**Utility Reimbursement:** The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (24 CFR 5.603)

**Very Low-Income Families:** Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50% of the median for the areas on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in Section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. (1937 Act)

**Welfare Assistance:** Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. (24 CFR 5.603(d))

**Welfare Rent:** In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

## Acronyms

<b>ACC</b>	Annual Contributions Contract
<b>CFR</b>	Code of Federal Regulations
<b>DSS</b>	Department of Social Services
<b>FSS</b>	Family Self Sufficiency (program)
<b>HCDA</b>	Housing and Community Development Act
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	Department of Housing and Urban Development
<b>INS</b>	(U.S.) Immigration and Naturalization Service
<b>NAHA</b>	(Cranston-Gonzalez) National Affordable Housing Act
<b>NOFA</b>	Notice of Funding Availability
<b>OMB</b>	(U.S.) Office of Management and Budget
<b>PHA</b>	Public Housing Agency
<b>QHWR</b>	Quality Housing and Work Responsibility Act of 1998
<b>SSA</b>	Social Security Administration
<b>TTP</b>	Total Tenant Payment



## **Attachment CA017104**

### **PHA Consideration of RAB Comments**

1. The PHA incorporated all RAB items into the current plan.

**Attachment ca017m04**  
**Voluntary Conversion of Public Housing**  
**Initial Assessment**

1. **How many of the PHA's Developments are subject to the initial assessment?**  
The PHA has one development subject to this assessment.
2. How many of the PHA's developments are not subject to the required initial assessments based on exemptions? The PHA has two development not subject to this assessment.
3. How many assessments were conducted for the PHA's covered developments?  
One assessment was conducted for the only covered development.
4. Identify PHA developments that may be appropriate for conversion. No PHA development was determined to meet the criteria as being " appropriate for conversion".

**The PHA of the City of Riverbank therefore certifies to the following:**

**The PHA of the City of Riverbank therefore certifies that it has reviewed each of it's development operations as public housing; considered the implications of converting the public housing to tenant based assistance; and concluded that conversion of the development is : Inappropriate because removal of the development would not meet the necessary conditions for voluntary conversion described at §972.200(c).**

Index of Attachments

<b>Capital Fund Program Annual Statement</b>	<b>CA017b04A-C</b>
<b>Capital Fund Program 5 Year Action Plan</b>	<b>CA017c04</b>
<b>Resident Membership on PHA Board or Governing Body</b>	<b>CA017d04</b>
<b>Membership of Resident Advisory Board or Boards</b>	<b>CA017e04</b>
<b>Comments of Resident Advisory Board or Boards</b>	<b>CA017f04</b>
<b>Resident Response</b>	<b>CA017g04</b>
<b>Pet Policy</b>	<b>CA017h04</b>
<b>Community Service Requirements</b>	<b>CA017i04</b>
<b>Deconcentration</b>	<b>CA017j04</b>
<b>Occupancy Policy</b>	<b>CA017k04</b>
<b>PHA Consideration of RAB Comments</b>	<b>CA017l04</b>
<b>Vouchering Out Of Public Housing</b>	<b>CA017m04</b>