

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

PHA Plans

5 Year Plan for Fiscal Years 2000 - 2004

Annual Plan for the PHA Fiscal Year 10/1/2003 through
9/30/2004

**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 Wheeling

PHA Number: WV003

PHA Fiscal Year Beginning: (mm/yyyy) 10/2003

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 PHA
- PHA development management offices
- PHA local offices

Display Locations For PHA Plans and Supporting Documents

The PHA Plans (including attachments) are available for public inspection at: (select all that apply)

- Main administrative office of the PHA
- PHA development management offices
- PHA local offices
- Main administrative office of the local government
- Main administrative office of the County government
- Main administrative office of the State government
- Public library
- PHA website
- Other (list below)

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

- Main business office of the PHA
- PHA development management offices
- Other (list below)

5-YEAR PLAN
PHA FISCAL YEARS 2000 - 2004
[24 CFR Part 903.5]

A. Mission

State the PHA's mission for serving the needs of low-income, very low income, and extremely low-income families in the PHA's jurisdiction. (select one of the choices below)

- The mission of the PHA is the same as that of the Department of Housing and Urban Development: To promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.
- The PHA's mission is: The Wheeling Housing Authority is committed to building stronger neighborhoods by providing quality housing options and professional services for eligible residents of Ohio County in partnership with the greater community.

B. Goals

The goals and objectives listed below are derived from HUD's strategic Goals and Objectives and those emphasized in recent legislation. PHAs may select any of these goals and objectives as their own, or identify other goals and/or objectives. Whether selecting the HUD-suggested objectives or their own, **PHAS ARE STRONGLY ENCOURAGED TO IDENTIFY QUANTIFIABLE MEASURES OF SUCCESS IN REACHING THEIR OBJECTIVES OVER THE COURSE OF THE 5 YEARS.** (Quantifiable measures would include targets such as: numbers of families served or PHAS scores achieved.) PHAs should identify these measures in the spaces to the right of or below the stated objectives.

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

- PHA Goal: Expand the supply of assisted housing
Objectives:
- Apply for additional rental vouchers: 75 Vouchers by 9/30/2003
 - Reduce public housing vacancies: 2% per year through 9/30/2005
 - Leverage private or other public funds to create additional housing opportunities: \$500,000 per year, beginning 10/1/2001 through 9/30/2005
 - Acquire or build units or developments
 - Other (list below)
- PHA Goal: Improve the quality of assisted housing
Objectives:
- Improve public housing management: (PHAS score) to 90% by 9/30/2003
 - Improve voucher management: (SEMAP score) 100% by 9/30/2003
 - Increase customer satisfaction: 90% by 9/30/2002
 - Concentrate on efforts to improve specific management functions: (list; e.g., public housing finance; voucher unit inspections)
 - Renovate or modernize public housing units: 420 by 9/30/2005

- Demolish or dispose of obsolete public housing: 326 by 9/30/2005
- Provide replacement public housing: 100 by 9/30/2005
- Provide replacement vouchers: 75 by 9/30/2001
- Other: (list below)

- PHA Goal: Increase assisted housing choices
 - Objectives:
 - Provide voucher mobility counseling: By 9/30/2001
 - Conduct outreach efforts to potential voucher landlords: On-going through 9/30/2005
 - Increase voucher payment standards
 - Implement voucher homeownership program:
 - Implement public housing or other homeownership programs: 9/30/2003
 - Implement public housing site-based waiting lists: 9/30/2001
 - Convert public housing to vouchers:
 - Other: (list below)

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

- PHA Goal: Provide an improved living environment
 - Objectives:
 - Implement measures to deconcentrate poverty by bringing higher income public housing households into lower income developments: 9/30/2004
 - Implement measures to promote income mixing in public housing by assuring access for lower income families into higher income developments:
 - Implement public housing security improvements: 9/30/2003
 - Designate developments or buildings for particular resident groups (elderly, persons with disabilities) 9/30/2001 – Renewal for Garden Park Terrace (WV3-7) and Riverview Towers (WV 3-5)
 - Other: (list below)

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

- PHA Goal: Promote self-sufficiency and asset development of assisted households
 - Objectives:
 - Increase the number and percentage of employed persons in assisted families: 50% by 9/30/2004
 - Provide or attract supportive services to improve assistance recipients' employability: 15 new MOUs/MOAs by 9/30/2004

- Provide or attract supportive services to increase independence for the elderly or families with disabilities. 5 new MOUs/MOAs by 9/30/2004
- Other: (list below)

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

- PHA Goal: Ensure equal opportunity and affirmatively further fair housing Objectives:
 - Undertake affirmative measures to ensure access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability: Work with the Human Rights Commission and the NAACP to increase outreach – on-going through 9/30/2004
 - Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability:
 - Undertake affirmative measures to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required: At least 5% of newly constructed units will be handicap accessible and at least 10% will be visitable.
 - Other: (list below)

Other PHA Goals and Objectives: (list below)

- PHA Goal : To increase the number of individuals applying to public housing and reduce vacancies in our developments.
 - Increase marketing efforts and outreach to low income individuals to decrease vacancies by 2% each year – on-going through 9/30/2005.

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

i. Annual Plan Type:

Select which type of Annual Plan the PHA will submit.

Standard Plan

Streamlined Plan:

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

Troubled Agency Plan

ii. Executive Summary of the Annual PHA Plan

[24 CFR Part 903.7 9 (r)]

Provide a brief overview of the information in the Annual Plan, including highlights of major initiatives and discretionary policies the PHA has included in the Annual Plan.

The Wheeling Housing Authority Board of Commissioners and the staff have worked to create a comprehensive annual plan for the upcoming fiscal year. Many of the changes have evolved out of the Quality Housing and Work Responsibility Act of 1998 and the Housing Authority's receipt of a HOPE VI Revitalization Grant in 1999. The plan addresses the need for increased affordable housing, as well as drug prevention and training initiatives, to assist the low-income residents of Ohio County. We anticipate positive results while implementing this annual plan in fiscal year 2003.

iii. Annual Plan Table of Contents

[24 CFR Part 903.7 9 (r)]

Provide a table of contents for the Annual Plan, including attachments, and a list of supporting documents available for public inspection.

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Attachments

Indicate which attachments are provided by selecting all that apply. Provide the attachment’s name (A, B, etc.) in the space to the left of the name of the attachment. Note: If the attachment is provided as a **SEPARATE** file submission from the PHA Plans file, provide the file name in parentheses in the space to the right of the title.

Required Attachments:

- Admissions Policy for Deconcentration **WV003a03**
(Scanned copy of Resolution – Actual Policy is in ACOP)
- Comments of Resident Advisory Board or Boards – There were no comments – this attachment is a scanned copy of their signed statement to that effect. **WV003g03**
- Community Service Administration **WV003i03**
- Pet Policy **WV003j03**
- Resident Advisory Board Membership/ Selection **WV003k03**
- Progress in Meeting 5-Year Goals **WV003l03**
- Resident Membership on the PHA Governing Board **WV003m03**
- Assessment of Demographic Changes in PH Developments with Site Based **WV003n03**
- Waiting Lists **WV003o03**
- Voluntary Conversion Initial Assessment **WV003o03**
- Most recent board-approved operating budget (Required Attachment for PHAs that are troubled or at risk of being designated troubled ONLY)

Optional Attachments:

- PHA Management Organizational Chart **WV003c03**
- Other (List below, providing each attachment name)
 - Admissions and Continued Occupancy Policy **WV003e03**
 - Administrative Plan **WV003f03**
 - Section 8 Project Based Vouchers **WV003h03**

Supporting Documents Available for Review

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

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

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

List of Supporting Documents Available for Review		
Applicable & On Display	Supporting Document	Applicable Plan Component
	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	
N/A	Troubled PHAs: MOA/Recovery Plan	Troubled PHAs
X	Other supporting documents Pet Policy Community Service Policy	Annual Plan: Operations and Management
X	Follow-Up Plan	Annual Plan: Attachments

1. Statement of Housing Needs

[24 CFR Part 903.7 9 (a)]

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

Based upon the information contained in the Consolidated Plan/s applicable to the jurisdiction, and/or other data available to the PHA, provide a statement of the housing needs in the jurisdiction by completing the following table. In the "Overall" Needs column, provide the estimated number of renter families that have housing needs. For the remaining characteristics, rate the impact of that factor on the housing needs for each family type, from 1 to 5, with 1 being "no impact" and 5 being "severe impact." Use N/A to indicate that no information is available upon which the PHA can make this assessment.

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
Income <= 30% of AMI	1,748	5	5	5	5	3	5
Income >30% but <=50% of AMI	1,149	5	5	5	5	3	5
Income >50% but <80% of AMI	2,685	5	5	5	5	3	5
Elderly	9,618	5	5	5	5	3	5
Families with Disabilities	3,325	5	5	5	5	3	5
Race/Ethnicity (White)*	48,791	5	5	5	5	3	5
Race/Ethnicity (Black)*	1,684	5	5	5	5	3	5
Race/Ethnicity (American Indian/Eskimo/Aleut.)*	31	5	5	5	5	3	5
Race/Ethnicity	330	5	5	5	5	3	5

Housing Needs of Families in the Jurisdiction by Family Type							
Family Type	Overall	Afford-ability	Supply	Quality	Access-ibility	Size	Loca-tion
(Asian/Pacific Islander)*							
Other Race*	35	5	5	5	5	3	5

- Denotes that information is based on individuals in the jurisdiction, instead of number of families.

Data for families with children is not available in the Consolidated plan as a separate tracking class.

The City of Wheeling, Ohio County, West Virginia, has completed their 2000-2004 Consolidated Plan.

What sources of information did the PHA use to conduct this analysis? (Check all that apply; all materials must be made available for public inspection.)

- Consolidated Plan of the Jurisdiction/s
Indicate year: 2000-2004
- U.S. Census data: the Comprehensive Housing Affordability Strategy (“CHAS”) dataset – American Fact Finder - Demographics
- American Housing Survey data
Indicate year:
- Other housing market study
Indicate year:
- Other sources: (list and indicate year of information)

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

State the housing needs of the families on the PHA’s waiting list/s. **Complete one table for each type of PHA-wide waiting list administered by the PHA.** PHAs may provide separate tables for site-based or sub-jurisdictional public housing waiting lists at their option.

Housing Needs of Families on the Waiting List			
Waiting list type: (select one)			
<input type="checkbox"/>	Section 8 tenant-based assistance		
<input checked="" type="checkbox"/>	Public Housing		
<input type="checkbox"/>	Combined Section 8 and Public Housing		
<input type="checkbox"/>	Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:		
	# of families	% of total families	Annual Turnover
Waiting list total	93		100

Housing Needs of Families on the Waiting List			
Extremely low income <=30% AMI	81	87.10	
Very low income (>30% but <=50% AMI)	10	10.75	
Low income (>50% but <80% AMI)	2	2	
Families with children	32	34.41	
Elderly families	8	8.60	
Families with Disabilities	7	7.53	
Race/ethnicity	White 85	91.40	
Race/ethnicity	Black 6	6.45	
Race/ethnicity	Haw. Is. 1	1.08	
Race/ethnicity	Multi race 1	1.08	
Characteristics by Bedroom Size (Public Housing Only)			
1BR	53	56	
2 BR	30	32	
3 BR	7	7	
4 BR	3	3	
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes: How long has it been closed (# of months)? Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

Housing Needs of Families on the Waiting List			
Waiting list type: (select one) <input checked="" type="checkbox"/> Section 8 tenant-based assistance <input type="checkbox"/> Public Housing <input type="checkbox"/> Combined Section 8 and Public Housing <input type="checkbox"/> Public Housing Site-Based or sub-jurisdictional waiting list (optional) If used, identify which development/subjurisdiction:			
	# of families	% of total families	Annual Turnover
Waiting list total	218		86
Extremely low	191	88%	

Housing Needs of Families on the Waiting List			
income <=30% AMI			
Very low income (>30% but <=50% AMI)	27	12%	
Low income (>50% but <80% AMI)	0	0	
Families with children	124	57%	
Elderly families	6	3%	
Families with Disabilities	88	40%	
Race/ethnicity	187	86%	
Race/ethnicity	30	14%	
Race/ethnicity	1	0	
Race/ethnicity			
Characteristics by Bedroom Size (Public Housing Only)			
1BR			
2 BR			
3 BR			
4 BR			
5 BR			
5+ BR			
Is the waiting list closed (select one)? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes			
If yes:			
How long has it been closed (# of months)?			
Does the PHA expect to reopen the list in the PHA Plan year? <input type="checkbox"/> No <input type="checkbox"/> Yes			
Does the PHA permit specific categories of families onto the waiting list, even if generally closed? <input type="checkbox"/> No <input type="checkbox"/> Yes			

C. Strategy for Addressing Needs

Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list **IN THE UPCOMING YEAR**, and the Agency's reasons for choosing this strategy.

(1) Strategies

Need: Shortage of affordable housing for all eligible populations

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

Select all that apply

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

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

Select all that apply

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

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

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

Select all that apply

- Exceed HUD federal targeting requirements for families at or below 30% of AMI in public housing
- Exceed HUD federal targeting requirements for families at or below 30% of AMI in tenant-based section 8 assistance
- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work
- Other: (list below) Working with other social service agencies, marketing by newspaper and television, community outreach.

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

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

Select all that apply

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

Need: Specific Family Types: The Elderly

Strategy 1: Target available assistance to the elderly:

Select all that apply

- Seek designation of public housing for the elderly
- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Other: (list below) Maintain designation of public housing for elderly at Garden Park Terrace and Riverview Towers.

Need: Specific Family Types: Families with Disabilities

Strategy 1: Target available assistance to Families with Disabilities:

Select all that apply

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

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

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

Select if applicable

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs
- Other: (list below)

Strategy 2: Conduct activities to affirmatively further fair housing

Select all that apply

- Counsel section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the section 8 program to owners outside of areas of poverty /minority concentrations
- Other: (list below) Educate landlords and mini-tab list of apartments updated monthly.

Other Housing Needs & Strategies: (list needs and strategies below)

(2) Reasons for Selecting Strategies

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

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

2. Statement of Financial Resources

[24 CFR Part 903.7 9 (b)]

List the financial resources that are anticipated to be available to the PHA for the support of Federal public housing and tenant-based Section 8 assistance programs administered by the PHA during the Plan year. Note: the table assumes that Federal public housing or tenant based Section 8 assistance grant funds are expended on eligible purposes; therefore, uses of these funds need not be stated. For other funds, indicate the use for those funds as one of the following categories: public housing operations, public housing capital improvements, public housing safety/security, public housing supportive services, Section 8 tenant-based assistance, Section 8 supportive services or other.

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
1. Federal Grants (FY 2003 grants)		

Financial Resources: Planned Sources and Uses		
Sources	Planned \$	Planned Uses
a) Public Housing Operating Fund	1,654,306	
b) Public Housing Capital Fund	1,306,900	
c) HOPE VI Revitalization	3,500,000	
d) HOPE VI Demolition		
e) Annual Contributions for Section 8 Tenant-Based Assistance	1,746,588	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	-0-	
g) Resident Opportunity and Self-Sufficiency Grants	190,000	
h) Community Development Block Grant	1,830,000	PH Capital Improve.
i) HOME	1,000,000	PH Capital Improve.
Other Federal Grants (list below)		
Weed & Seed(DOJ)	300,000	Supportive Services
2. Prior Year Federal Grants (unobligated funds only) (list below)		
501-02	180,000	
Hope VI	8,199,669	
3. Public Housing Dwelling Rental Income	859,580	PH Operations
4. Other income (list below)		
Interest on General Fund Investments	62,700	PH Operations
Misc. Income	9,500	PH Operations
4. Non-federal sources (list below)		
Total resources	20,839,243	

3. PHA Policies Governing Eligibility, Selection, and Admissions

[24 CFR Part 903.7 9 (c)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete subcomponent 3A.

(1) Eligibility

a. When does the PHA verify eligibility for admission to public housing? (select all that apply)

- When families are within a certain number of being offered a unit: (state number)
- When families are within a certain time of being offered a unit: (state time)
- Other: (describe) At time of application

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

- Criminal or Drug-related activity
- Rental history
- Housekeeping
- Other (describe)

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

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

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

(2)Waiting List Organization

a. Which methods does the PHA plan to use to organize its public housing waiting list (select all that apply)

- Community-wide list
- Sub-jurisdictional lists
- Site-based waiting lists
- Other (describe)

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

- PHA main administrative office
- PHA development site management office
- Other (list below) Community organization partners and mailed applications upon request.

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

1. How many site-based waiting lists will the PHA operate in the coming year? 6

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

3. Yes No: May families be on more than one list simultaneously
If yes, how many lists? 6

4. Where can interested persons obtain more information about and sign up to be on the site-based waiting lists (select all that apply)?

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

(3) Assignment

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

- One
- Two
- Three or More

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

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

(4) Admissions Preferences

a. Income targeting:

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

b. Transfer policies:

In what circumstances will transfers take precedence over new admissions? (list below)

- Emergencies
- Overhoused
- Underhoused
- Medical justification
- Administrative reasons determined by the PHA (e.g., to permit modernization work)
- Resident choice: (state circumstances below)
- Other: (list below)

C. Preferences

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

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences:

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

Other preferences: (select below)

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

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

Date and Time

Former Federal preferences:

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

Other preferences (select all that apply)

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

Other preference(s) (list below)

4. Relationship of preferences to income targeting requirements:

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

(5) Occupancy

a. What reference materials can applicants and residents use to obtain information about the rules of occupancy of public housing (select all that apply)

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

b. How often must residents notify the PHA of changes in family composition? (select all that apply)

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

(6) Deconcentration and Income Mixing

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.

B. Section 8

Exemptions: PHAs that do not administer section 8 are not required to complete sub-component 3B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

a. What is the extent of screening conducted by the PHA? (select all that apply)

- Criminal or drug-related activity only to the extent required by law or regulation

- Criminal and drug-related activity, more extensively than required by law or regulation
 - More general screening than criminal and drug-related activity (list factors below)
 - Other (list below)
- b. Yes No: Does the PHA request criminal records from local law enforcement agencies for screening purposes?
- c. Yes No: Does the PHA request criminal records from State law enforcement agencies for screening purposes?
- d. Yes No: Does the PHA access FBI criminal records from the FBI for screening purposes? (either directly or through an NCIC-authorized source)
- e. Indicate what kinds of information you share with prospective landlords? (select all that apply)
- Criminal or drug-related activity
 - Other (describe below) most recent or current landlord's name and address of requested.

(2) Waiting List Organization

- a. With which of the following program waiting lists is the section 8 tenant-based assistance waiting list merged? (select all that apply)
- None
 - Federal public housing
 - Federal moderate rehabilitation
 - Federal project-based certificate program
 - Other federal or local program (list below)
- b. Where may interested persons apply for admission to section 8 tenant-based assistance? (select all that apply)
- PHA main administrative office
 - Other (list below)
- U.S. Postal service, Wheeling Housing Authority Complexes and other social service agencies.

(3) Search Time

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

If yes, state circumstances below:

2 extensions given in 30 day increments if the voucher holder can show they have been actively searching for housing or medically unable to search.

(4) Admissions Preferences

a. Income targeting

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

b. Preferences

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

2. Which of the following admission preferences does the PHA plan to employ in the coming year? (select all that apply from either former Federal preferences or other preferences)

Former Federal preferences

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

Other preferences (select all that apply)

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

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

Date and Time

Former Federal preferences

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

High rent burden

Other preferences (select all that apply)

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

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

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

5. If the PHA plans to employ preferences for "residents who live and/or work in the jurisdiction" (select one)

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

6. Relationship of preferences to income targeting requirements: (select one)

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

(5) Special Purpose Section 8 Assistance Programs

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

- The Section 8 Administrative Plan
- Briefing sessions and written materials
- Other (list below)

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

- Through published notices
- Other (list below)

4. PHA Rent Determination Policies

[24 CFR Part 903.7 9 (d)]

A. Public Housing

Exemptions: PHAs that do not administer public housing are not required to complete sub-component 4A.

(1) Income Based Rent Policies

Describe the PHA's income based rent setting policy/ies for public housing using, including discretionary (that is, not required by statute or regulation) income disregards and exclusions, in the appropriate spaces below.

a. Use of discretionary policies: (select one)

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

---or---

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

b. Minimum Rent

1. What amount best reflects the PHA's minimum rent? (select one)

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

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

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

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

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

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

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

- For the earned income of a previously unemployed household member
- For increases in earned income
- Fixed amount (other than general rent-setting policy)
If yes, state amount/s and circumstances below:

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

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

e. Ceiling rents

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

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

2. For which kinds of developments are ceiling rents in place? (select all that apply)

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

3. Select the space or spaces that best describe how you arrive at ceiling rents (select all that apply)

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

f. Rent re-determinations:

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

- Never
- At family option
- Any time the family experiences an income increase
- Any time a family experiences an income increase above a threshold amount or percentage: (if selected, specify threshold)_____
- Other (list below)

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

(2) Flat Rents

1. In setting the market-based flat rents, what sources of information did the PHA use to establish comparability? (select all that apply.)

- The section 8 rent reasonableness study of comparable housing
- Survey of rents listed in local newspaper
- Survey of similar unassisted units in the neighborhood
- Other (list/describe below)

B. Section 8 Tenant-Based Assistance

Exemptions: PHAs that do not administer Section 8 tenant-based assistance are not required to complete sub-component 4B. **Unless otherwise specified, all questions in this section apply only to the tenant-based section 8 assistance program (vouchers, and until completely merged into the voucher program, certificates).**

(1) Payment Standards

Describe the voucher payment standards and policies.

a. What is the PHA's payment standard? (select the category that best describes your standard)

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

- b. If the payment standard is lower than FMR, why has the PHA selected this standard? (select all that apply)
- FMRs are adequate to ensure success among assisted families in the PHA's segment of the FMR area
 - The PHA has chosen to serve additional families by lowering the payment standard
 - Reflects market or submarket
 - Other (list below)
- c. If the payment standard is higher than FMR, why has the PHA chosen this level? (select all that apply)
- FMRs are not adequate to ensure success among assisted families in the PHA's segment of the FMR area
 - Reflects market or submarket
 - To increase housing options for families
 - Other (list below)
- d. How often are payment standards reevaluated for adequacy? (select one)
- Annually
 - Other (list below)
- e. What factors will the PHA consider in its assessment of the adequacy of its payment standard? (select all that apply)
- Success rates of assisted families
 - Rent burdens of assisted families
 - Other (list below) More than 50% of participating families reside in areas of jurisdiction out of low mod census tract areas

(2) Minimum Rent

- a. What amount best reflects the PHA's minimum rent? (select one)
- \$0
 - \$1-\$25
 - \$26-\$50
- b. Yes No: Has the PHA adopted any discretionary minimum rent hardship exemption policies? (if yes, list below)

5. Operations and Management

[24 CFR Part 903.7 9 (e)]

Exemptions from Component 5: High performing and small PHAs are not required to complete this section. Section 8 only PHAs must complete parts A, B, and C(2)

A. PHA Management Structure

Describe the PHA’s management structure and organization.

(select one)

- An organization chart showing the PHA’s management structure and organization is attached.
- A brief description of the management structure and organization of the PHA follows:

B. HUD Programs Under PHA Management

List Federal programs administered by the PHA, number of families served at the beginning of the upcoming fiscal year, and expected turnover in each. (Use “NA” to indicate that the PHA does not operate any of the programs listed below.)

Program Name	Units or Families Served at Year Beginning	Expected Turnover
Public Housing	430	95
Section 8 Vouchers	347	86
Section 8 Certificates	0	0
Section 8 Mod Rehab	13	3
Special Purpose Section 8 Certificates/Vouchers (list individually)	0	0
Public Housing Drug Elimination Program (PHDEP)		
Other Federal Programs(list individually)	0	0

C. Management and Maintenance Policies

List the PHA’s public housing management and maintenance policy documents, manuals and handbooks that contain the Agency’s rules, standards, and policies that govern maintenance and management of public housing, including a description of any measures necessary for the prevention or eradication of pest infestation (which includes cockroach infestation) and the policies governing Section 8 management.

- (1) Public Housing Maintenance and Management: (list below) Admissions and continued occupancy policy, Safety Policy, and Preventative Maintenance Policy.

(2) **Section 8 Management:** (list below) Administration Plan, Landlord newsletter, landlord meetings, and briefing packet.

6. PHA Grievance Procedures

[24 CFR Part 903.7 9 (f)]

Exemptions from component 6: High performing PHAs are not required to complete component 6. Section 8-Only PHAs are exempt from sub-component 6A.

A. Public Housing

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

If yes, list additions to federal requirements below:

2. Which PHA office should residents or applicants to public housing contact to initiate the PHA grievance process? (select all that apply)

- PHA main administrative office
 PHA development management offices
 Other (list below)

B. Section 8 Tenant-Based Assistance

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

If yes, list additions to federal requirements below:

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

- PHA main administrative office
 Other (list below)

7. Capital Improvement Needs

[24 CFR Part 903.7 9 (g)]

Exemptions from Component 7: Section 8 only PHAs are not required to complete this component and may skip to Component 8.

A. Capital Fund Activities

Exemptions from sub-component 7A: PHAs that will not participate in the Capital Fund Program may skip to component 7B. All other PHAs must complete 7A as instructed.

(1) Capital Fund Program Annual Statement

Using parts I, II, and III of the Annual Statement for the Capital Fund Program (CFP), identify capital activities the PHA is proposing for the upcoming year to ensure long-term physical and social viability of its public housing developments. This statement can be completed by using the CFP Annual Statement tables provided in the table library at the end of the PHA Plan template **OR**, at the PHA's option, by completing and attaching a properly updated HUD-52837.

Select one:

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

-or-

The Capital Fund Program Annual Statement is provided at the end of the annual plan.

(2) Optional 5-Year Action Plan

Agencies are encouraged to include a 5-Year Action Plan covering capital work items. This statement can be completed by using the 5 Year Action Plan table provided in the table library at the end of the PHA Plan template **OR** by completing and attaching a properly updated HUD-52834.

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

b. If yes to question a, select one:

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

-or-

The Capital Fund Program 5-Year Action Plan is provided at the end of the Annual Plan.

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

Applicability of sub-component 7B: All PHAs administering public housing. Identify any approved HOPE VI and/or public housing development or replacement activities not described in the Capital Fund Program Annual Statement.

- Yes No: a) Has the PHA received a HOPE VI revitalization grant? (if no, skip to question c; if yes, provide responses to question b for each grant, copying and completing as many times as necessary)
b) Status of HOPE VI revitalization grant (complete one set of questions for each grant)

1. Development name: Grandview Manor/ Lincoln Homes
2. Development (project) number: WV 3-2/ WV 3-3
3. Status of grant: (select the statement that best describes the current status)

- Revitalization Plan under development
 Revitalization Plan submitted, pending approval
 Revitalization Plan approved
 Activities pursuant to an approved Revitalization Plan underway

- Yes No: c) Does the PHA plan to apply for a HOPE VI Revitalization grant in the Plan year?
If yes, list development name/s below:

- Yes No: d) Will the PHA be engaging in any mixed-finance development activities for public housing in the Plan year?
If yes, list developments or activities below: Grandview Manor and Lincoln Homes and Cherry Street/ East Wheeling.

- Yes No: e) Will the PHA be conducting any other public housing development or replacement activities not discussed in the Capital Fund Program Annual Statement?
If yes, list developments or activities below: Using Replacement Housing funding we may purchase or construct units.

8. Demolition and Disposition

[24 CFR Part 903.7 9 (h)]

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

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

2. Activity Description

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

Demolition/Disposition Activity Description
1a. Development name: Grandview Manor/ Lincoln Homes 1b. Development (project) number: (WV 3-2/ 3-3)
2. Activity type: Demolition <input checked="" type="checkbox"/> Disposition <input type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(1/15/2002)</u>
5. Number of units affected: 328
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: May 2002 b. Projected end date of activity: December 2002

Demolition/Disposition Activity Description
1a. Development name: Grandview Manor/ Lincoln Homes 1b. Development (project) number: (WV 3-2/ 3-3)
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/>
3. Application status (select one) Approved <input checked="" type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input type="checkbox"/>
4. Date application approved, submitted, or planned for submission: <u>(1/15/2002)</u>
5. Number of units affected: 328
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 11/2001 b. Projected end date of activity: 11/2004

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

[24 CFR Part 903.7 9 (i)]

Exemptions from Component 9; Section 8 only PHAs are not required to complete this section.

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

2. Activity Description

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

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

- | |
|--|
| <input type="checkbox"/> Part of the development
<input type="checkbox"/> Total development |
|--|

10. Conversion of Public Housing to Tenant-Based Assistance

[24 CFR Part 903.7 9 (j)]

Exemptions from Component 10; Section 8 only PHAs are not required to complete this section.

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

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

2. Activity Description

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

Conversion of Public Housing Activity Description
1a. Development name: 1b. Development (project) number:
2. What is the status of the required assessment? <input type="checkbox"/> Assessment underway <input type="checkbox"/> Assessment results submitted to HUD <input type="checkbox"/> Assessment results approved by HUD (if marked, proceed to next question) <input type="checkbox"/> Other (explain below)
3. <input type="checkbox"/> Yes <input type="checkbox"/> No: Is a Conversion Plan required? (If yes, go to block 4; if no, go to block 5.)
4. Status of Conversion Plan (select the statement that best describes the current status) <input type="checkbox"/> Conversion Plan in development <input type="checkbox"/> Conversion Plan submitted to HUD on: (DD/MM/YYYY) <input type="checkbox"/> Conversion Plan approved by HUD on: (DD/MM/YYYY)

<input type="checkbox"/> Activities pursuant to HUD-approved Conversion Plan underway
5. Description of how requirements of Section 202 are being satisfied by means other than conversion (select one) <ul style="list-style-type: none"> <input type="checkbox"/> Units addressed in a pending or approved demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI demolition application (date submitted or approved: _____) <input type="checkbox"/> Units addressed in a pending or approved HOPE VI Revitalization Plan (date submitted or approved: _____) <input type="checkbox"/> Requirements no longer applicable: vacancy rates are less than 10 percent <input type="checkbox"/> Requirements no longer applicable: site now has less than 300 units <input type="checkbox"/> Other: (describe below)

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

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

11. Homeownership Programs Administered by the PHA

[24 CFR Part 903.7 9 (k)]

A. Public Housing

Exemptions from Component 11A: Section 8 only PHAs are not required to complete 11A.

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

PHA status. PHAs completing streamlined submissions may skip to component 11B.)

2. Activity Description

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

Public Housing Homeownership Activity Description (Complete one for each development affected)
1a. Development name: 1b. Development (project) number:
2. Federal Program authority: <input type="checkbox"/> HOPE I <input type="checkbox"/> 5(h) <input type="checkbox"/> Turnkey III <input type="checkbox"/> Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: (select one) <input type="checkbox"/> Approved; included in the PHA’s Homeownership Plan/Program <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: (DD/MM/YYYY)
5. Number of units affected: 6. Coverage of action: (select one) <input type="checkbox"/> Part of the development <input type="checkbox"/> Total development

B. Section 8 Tenant Based Assistance

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

2. Program Description:N/A

a. Size of Program

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

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

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

b. PHA-established eligibility criteria

Yes No: Will the PHA's program have eligibility criteria for participation in its Section 8 Homeownership Option program in addition to HUD criteria?

If yes, list criteria below:

12. PHA Community Service and Self-sufficiency Programs

[24 CFR Part 903.7 9 (1)]

Exemptions from Component 12: High performing and small PHAs are not required to complete this component. Section 8-Only PHAs are not required to complete sub-component C.

A. PHA Coordination with the Welfare (TANF) Agency

1. Cooperative agreements:

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

If yes, what was the date that agreement was signed? 10/01/99

2. Other coordination efforts between the PHA and TANF agency (select all that apply)

- Client referrals
- Information sharing regarding mutual clients (for rent determinations and otherwise)
- Coordinate the provision of specific social and self-sufficiency services and programs to eligible families
- Jointly administer programs
- Partner to administer a HUD Welfare-to-Work voucher program
- Joint administration of other demonstration program
- Other (describe) WHA provides Community Work Experience Program (CWEP) Site and Training for DHHR Referrals.

B. Services and programs offered to residents and participants

(1) General

a. Self-Sufficiency Policies

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

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

b. Economic and Social self-sufficiency programs

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

Services and Programs				
Program Name & Description (including location, if appropriate)	Estimated Size	Allocation Method (waiting list/random selection/specific criteria/other)	Access (development office / PHA main office / other provider name)	Eligibility (public housing or section 8 participants or both)
<i>Family Self-Sufficiency Program</i>	100	Open	Exley Community Center at Hil-Dar -Resident Services Dept.	PH and HCVP
Learning Independence From Employment (LIFE) Job Training and Placement Program	25	Open	Exley Community Center at Hil-Dar	PH and HCVP
Connections Information & Referral Service	100	Open	All Developments	PH and HCVP
Exley Youth Center After-School Program and Summer Program	75	Open	Exley Community Center at Hil-Dar	PH and HCVP
Step-Up Pre-Apprenticeship Job Training Program	12	Competitive Application & Selection Process	All Developments	PH and HCVP
Teen Activities Program (TAP)	15	Open	Exley Community	PH and HCVP

Homeownership Counseling	20	Open	Center at Hill-Dar All Developments	PH and HCVP
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(2) Family Self Sufficiency program/s

a. Participation Description

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants (start of FY 2000 Estimate)	Actual Number of Participants (As of: 03/31/99)
Public Housing	0	34
Section 8	0	51

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

C. Welfare Benefit Reductions

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

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

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

13. PHA Safety and Crime Prevention Measures

[24 CFR Part 903.7 9 (m)]

Exemptions from Component 13: High performing and small PHAs not participating in PHDEP and Section 8 Only PHAs may skip to component 15. High Performing and small PHAs that are participating in PHDEP and are submitting a PHDEP Plan with this PHA Plan may skip to sub-component D.

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

1. Describe the need for measures to ensure the safety of public housing residents
(select all that apply)

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

2. What information or data did the PHA used to determine the need for PHA actions to improve safety of residents (select all that apply).

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

3. Which developments are most affected? (list below) Hil-Dar (WV 3-4), Luau Manor (WV 3-6), and Booker T. Washington (WV 3-10), North Wheeling (WV-13), 54 – 13th Street (WV-14), Riverview (WV 3-5), Garden Park Terrace (WV 3-7)

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

1. List the crime prevention activities the PHA has undertaken or plans to undertake:
(select all that apply)

- Contracting with outside and/or resident organizations for the provision of crime- and/or drug-prevention activities
- Crime Prevention Through Environmental Design

- Activities targeted to at-risk youth, adults, or seniors
- Volunteer Resident Patrol/Block Watchers Program
- Other (describe below)

2. Which developments are most affected? (list below)

Hil-Dar (WV 3-4), Luau Manor (WV 3-6), and Booker T. Washington (WV 3-10), North Wheeling (WV-13), 54 – 13th Street (WV-14), Riverview (WV 3-5), Garden Park Terrace (WV 3-7)

C. Coordination between PHA and the police

1. Describe the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities: (select all that apply)

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

2. Which developments are most affected? (list below) Hil-Dar (WV 3-4), Luau Manor (WV 3-6), and Booker T. Washington (WV 3-10), North Wheeling (WV-13), 54 – 13th Street (WV-14), Riverview (WV 3-5), Garden Park Terrace (WV 3-7)

D. Additional information as required by PHDEP/PHDEP Plan

PHAs eligible for FY 2000 PHDEP funds must provide a PHDEP Plan meeting specified requirements prior to receipt of PHDEP funds.

No Longer Applicable – PHDEP abolished by HUD

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

14. RESERVED FOR PET POLICY

[24 CFR Part 903.7 9 (n)] Attachment WV003j03

15. Civil Rights Certifications

[24 CFR Part 903.7 9 (o)]

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

16. Fiscal Audit

[24 CFR Part 903.7 9 (p)]

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

17. PHA Asset Management

[24 CFR Part 903.7 9 (q)]

Exemptions from component 17: Section 8 Only PHAs are not required to complete this component. High performing and small PHAs are not required to complete this component.

1. Yes No: Is the PHA engaging in any activities that will contribute to the long-term asset management of its public housing stock , including how the Agency will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs that have **not** been addressed elsewhere in this PHA Plan?
2. What types of asset management activities will the PHA undertake? (select all that apply)
 - Not applicable
 - Private management
 - Development-based accounting
 - Comprehensive stock assessment
 - Other: (list below) Congregate housing
3. Yes No: Has the PHA included descriptions of asset management activities in the **optional** Public Housing Asset Management Table?

18. Other Information

A. Resident Advisory Board Recommendations

1. Yes No: Did the PHA receive any comments on the PHA Plan from the Resident Advisory Board/s?
2. If yes, the comments are: (if comments were received, the PHA **MUST** select one)
 Attached at Attachment (File name) **WV003g03**
 Provided below:
3. In what manner did the PHA address those comments? (select all that apply)
 Considered comments, but determined that no changes to the PHA Plan were necessary.
 The PHA changed portions of the PHA Plan in response to comments
List changes below:
 Other: (list below)

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

1. Yes No: Does the PHA meet the exemption criteria provided section 2(b)(2) of the U.S. Housing Act of 1937? (If no, continue to question 2; if yes, skip to sub-component C.)
2. Yes No: Was the resident who serves on the PHA Board elected by the residents? (If yes, continue to question 3; if no, skip to sub-component C.)

3. Description of Resident Election Process

- a. Nomination of candidates for place on the ballot: (select all that apply)
 Candidates were nominated by resident and assisted family organizations
 Candidates could be nominated by any adult recipient of PHA assistance
 Self-nomination: Candidates registered with the PHA and requested a place on ballot
 Other: (describe)
- b. Eligible candidates: (select one)
 Any recipient of PHA assistance
 Any head of household receiving PHA assistance
 Any adult recipient of PHA assistance
 Any adult member of a resident or assisted family organization

Other (list)

c. Eligible voters: (select all that apply)

All adult recipients of PHA assistance (public housing and section 8 tenant-based assistance)

Representatives of all PHA resident and assisted family organizations

Other (list)

C. 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: (provide name here)

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 the initiatives contained in the Consolidated Plan. (list below)

- Impediments to affordable housing
- Applies for Shelter Plus Care Vouchers
- Designation of elderly hi-rises
- Meeting needs of special population – Northwood collaborative with Booker T. Washington Plaza and Luau Manor
- HOPE VI

Other: (list below)

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

- Impediments to affordable housing
- Applies for Shelter Plus Care Vouchers
- Designation of elderly hi-rises
- Meeting needs of special population – Northwood collaborative with Booker T. Washington Plaza and Luau Manor

D. Other Information Required by HUD

Use this section to provide any additional information requested by HUD.

19. Definition of “Substantial Deviation” and “Significant Amendment or Modification” [903.7r]

The following actions are defined as substantial deviation or significant amendment or modification:

- Any addition or deletions of Strategic Goals
- Any change with regard to demolition, disposition, designation, conversion, or homeownership activities.
- Additions of non-emergency work items (items not included in the current Annual Statement or Five-Year Action Plan) or change in use of replacement reserve funds.
- Changes to rent or admissions policies.

Exceptions will be made for any of the above that are adopted to reflect changes in HUD regulatory requirements.

Notification of these changes will be made to the Board of Commissioners and to all residents. Residents will be notified through announcements at Resident Council Meetings and publication of Notices in the resident Newsletters, which are distributed monthly.

Attachments

Use this section to provide any additional attachments referenced in the Plans.

Admissions Policy for Deconcentration	WV003a03
PHA Management Organizational Chart	WV003c03
Comments of Resident Advisory Board	WV003g03
Admissions and Continued Occupancy Policy	WV003e03
Administrative Plan	WV003f03
Community Service Administration	WV003i03
Pet Policy	WV003j03
Section 8 Project Based Vouchers	WV003h03
Resident Advisory Board Membership/ Selection	WV003k03

Progress toward 5-Year Goals	WV003i03
Resident Membership of PHA Governing Board	WV003m03
Assessment of Demographic Changes in PH Site-based Waiting lists	WV003n03
Voluntary Conversion Initial Assessment	WV003o03

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

Complete one table for each development in which work is planned in the next 5 PHA fiscal years. Complete a table for any PHA-wide physical or management improvements planned in the next 5 PHA fiscal year. Copy this table as many times as necessary. Note: PHAs need not include information from Year One of the 5-Year cycle, because this information is included in the Capital Fund Program Annual Statement.

Annual Statement/Performance and Evaluation Report					
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350103 Replacement Housing Factor Grant No: WV15R00350103		Federal FY of Grant: 2003	
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) <input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	\$104,375.00			
3	1408 Management Improvements Soft Costs	\$105,745.00			
	Management Improvements Hard Costs	\$70,000.00			
4	1410 Administration	\$ 45,101.00			
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$ 21,000.00			
8	1440 Site Acquisition				
9	1450 Site Improvement	\$ 15,200.00			
10	1460 Dwelling Structures	\$582,300.00			
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				

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

PHA Name: WHEELING HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: WV15P00350103 Replacement Housing Factor Grant No: WV15R00350103	Federal FY of Grant: 2003
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Original Annual Statement Reserve for Disasters/ Emergencies Revised Annual Statement (revision no:)
 Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
17	1495.1 Relocation Costs				
18	1499 Development Activities	\$100,000.00			
19	1502 Contingency				
20	1498 Replacement Housing Factor	\$27,060.00			
	Amount of Annual Grant: (sum of lines.....)	\$1,043,721.00			
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance	\$60,000.00			
	Amount of line XX Related to Security –Soft Costs				
	Amount of Line XX related to Security-- Hard Costs				
	Amount of line XX Related to Energy Conservation Measures	\$180,000.00			
	Collateralization Expenses or Debt Service				

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350103 Replacement Housing Factor Grant No:				Federal FY of Grant: 2003		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost	Status of Work
PHA WIDE	Landscaping FA		1450	5	\$10,000.00			
WV 3-5	HVAC Panel Inserts FA		1460	76	\$7,400.00			
WV 3-5	Bathroom Heat Lamps FA		1460	76	\$10,000.00			
WV 3-6	Kitchen Cabinets FA		1460	105	\$200,000.00			
WV 3-6	New Roof		1460	1	\$70,000.00			
WV 3-6	New Boilers		1460	1	\$80,000.00			
WV 3-6	Elevator Monitoring		1460	1	\$7,000.00			
WV 3-7	Awnings FA		1460	2	\$5,600.00			
WV 3-7	Exterior Lighting FA		1450	1	\$5,200.00			
WV 3-10	New Roof		1460	1	\$70,000.00			
WV 3-10	Fire Tower Doors FA		1460	18	\$20,000.00			
WV 3-10	New Boilers		1460	1	\$80,000.00			
WV 3-10	Elevator Monitoring		1460	1	\$7,000.00			
WV 3-14	Electric Panels FA		1460	1	\$10,000.00			
WV 3-14	New VCT		1460	1	\$15,300.00			

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program No: WV15P00350103 Replacement Housing Factor No: WV15R00350103					Federal FY of Grant: 2003	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates	
	Original	Revised	Actual	Original	Revised	Actual		
PHA WIDE	3/30/05			9/30/06				
WV 3-4	3/30/05			9/30/06				
WV 3-5	3/30/05			9/30/06				
WV 3-6	3/30/05			9/30/06				
WV 3-7	3/30/05			9/30/06				
WV 3-10	3/30/05			9/30/06				
WV 3-14	3/30/05			9/30/06				

Capital Fund Program Five-Year Action Plan

Part I: Summary

PHA Name: Wheeling Housing Authority		<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:			
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: 501-04 PHA FY: 2004	Work Statement for Year 3 FFY Grant: 501-05 PHA FY: 2005	Work Statement for Year 4 FFY Grant: 501-06 PHA FY: 2006	Work Statement for Year 5 FFY Grant: 501-07 PHA FY: 2007
	Annual Statement				
Administration		\$15,000.00	\$15,000.00	\$15,000.00	
A & E Fees		\$26,000.00	\$33,180.00	\$13,600.00	
Management		\$182,158.00	\$149,751.00	\$149,751.00	
Operations		\$134,900.00	\$134,900.00	\$134,900.00	
1499		\$100,000.00	\$50,000.00	0	
PHA WIDE		\$25,880.00	0	0	
WV 3-4		\$260,947.00	\$340,000.00	\$40,000.00	
WV 3-5		\$42,060.00	\$282,347.00	\$278,667.00	
WV 3-6		\$150,000.00	\$80,000.00	\$260,000.00	
WV 3-7		\$123,000.00	\$60,000.00	\$185,000.00	
WV 3-10		\$245,000.00	\$169,767.00	\$223,027.00	
WV 3-14		\$10,000.00	0	\$15,000.00	
Total CFP Funds (Est.)					
Total Replacement Housing Factor Funds					

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year : 2005 FFY Grant: PHA FY:2004			Activities for Year: 2006 FFY Grant: PHA FY: 2005		
Annual	PHA WIDE	Administration	\$15,000.00	PHA WIDE	Administration	\$15,000.00
Statement	PHA WIDE	A & E Fees	\$26,000.00	PHA WIDE	A & E Fees	\$33,180.00
	PHA WIDE	Management Improvements	\$182,158.00	PHA WIDE	Management Activities	\$149,751.00
	1406	Operations	\$134,900.00	1406	Operations	\$134,900.00
	1499	Development Activities	\$100,000.00	1499	Development Activities	\$50,000.00
	PHA WIDE	New HVAC	\$25,880.00	WV 3-4	Central Air	\$265,000.00
	WV 3-4	New Siding & Roof	\$260,947.00	WV 3-4	New Bath Fixtures	\$75,000.00
	WV 3-5	Apt. Entrance doors	\$42,060.00	WV 3-5	Assisted Living	\$240,000.00
	WV 3-6	New Make-up Air	\$40,000.00	WV 3-6	Paint Building	\$80,000.00
	WV 3-6	Bath Vanities & Floors	\$65,000.00	WV 3-7	Hall Doors	\$60,000.00
	WV 3-6	Hall Carpet	\$45,000.00	WV 3-10	New Smoke Detectors	\$86,820.00
	WV 3-7	Hall Carpet	\$68,000.00	WV 3-10	Paint Building	\$82,947.00
	WV 3-7	New Roof	\$55,000.00	WV-3-10	New Windows	\$42,347.00
	WV 3-10	Hall Carpet	\$45,000.00			
	WV 3-10	Kitchen Cabinets	\$200,000.00			
	WV 3-14	Painting Building	\$10,000.00			

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :2007 FFY Grant: PHA FY: 2006			Activities for Year: 2008 FFY Grant: PHA FY: 2007		
Annual	PHA WIDE	Administration	\$15,000.00	PHA WIDE	Administration	\$44,945.00
Statement	PHA WIDE	A & E Fees	\$13,600.00	PHA WIDE	A & E Fees	\$41,000.00
	PHA WIDE	Management Activities	\$149,751.00	PHA WIDE	Management Activities	\$245,000.00
	1406	Operations	\$134,900.00	1406	Operations	\$131,500.00
	1499	Development Activities	0	1499	Development Activities	0
	WV 3-4	Storage Room	\$40,000.00	PHA WIDE	Landscape/Trees	\$35,000.00
	WV 3-5	Emergency Cords/Bedroom	\$15,200.00	PHA WIDE	Concrete	\$52,000.00
	WV 3-5	Make-up Air System	\$190,060.00	WV 3-4	Washer & Dryers	\$92,000.00
	WV 3-5	Stoves & Refrigerators	\$73,407.00	WV 3-4	Gymnasium	\$345,000.00
	WV 3-6	Bath Renovation	\$215,000.00	WV 3-5	Exterior Lighting	\$40,000.00
	WV 3-6	Apt. Doors	\$45,000.00	WV 3-6	Lighting	\$40,000.00
	WV 3-7	New Windows	\$185,000.00	WV 3-6	Balcony Railing	\$40,000.00
	WV 3-10	VCT Flooring	\$163,027.00	WV 3-7	Stoves	\$90,000.00
	WV 3-10	Hall Doors	\$60,000.00	WV 3-7	Resurface Parking Lot	\$45,000.00
	WV 3-14	New Lighting	\$15,000.00	WV 3-10	Lighting	\$40,000.00
				WV 3-10	Community Room	\$33,500.00

Optional Public Housing Asset Management Table

See Technical Guidance for instructions on the use of this table, including information to be provided.

Public Housing Asset Management								
Development Identification		Activity Description						
Name, Number, and Location	Number and Type of units	Capital Fund Program Parts II and III <i>Component 7a</i>	Development Activities <i>Component 7b</i>	Demolition / disposition <i>Component 8</i>	Designated housing <i>Component 9</i>	Conversion <i>Component 10</i>	Home-ownership <i>Component 11a</i>	Other (describe) <i>Component 17</i>
WV 3-2	295 Walk-Up	Grandview Manor	Hope VI	Demolition	N/A	N/A	HOPE VI	N/A
WV 3-3	30 Rowhouses	Lincoln Homes	Hope VI	Demolition	N/A	N/A	N/A	N/A
WV 3-4	92 walk up	Hil-Dar	N/A	N/A	N/A	N/A	N/A	N/A
WV 3-5	74 High-rise	Riverview Towers	N/A	N/A	Elderly	N/A	N/A	N/A
WV 3-6	105 High-rise	Luau Manor	N/A	N/A	N/A	N/A	N/A	N/A
WV 3-7	178 High-rise	Garden Park Terrace	N/A	N/A	Elderly	N/A	N/A	N/A
WV 3-13	20	North Wheeling	Hope VI	N/A	N/A	N/A	HOPE VI	N/A
WV 3-14	5 Walk-UP	54 13 th Street	Replacement Housing	N/A	N/A	N/A	N/A	N/A
	62	New Construction	Hope VI	N/A	N/A	N/A	N/A	N/A
	68	New Construction (Public Housing)	Hope VI	N/A	N/A	N/A	N/A	N/A

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

PHA Name: Wheeling Housing Authority	Grant Type and Number Capital Fund Program Grant No: WV15P00350100 Replacement Housing Factor Grant No: WV15R00350100	Federal FY of Grant: 2000
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Original Annual Statement Reserve for Disasters/ Emergencies revised Annual Statement
 Performance and Evaluation Report for Period Ending: 3/28/2003 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds	29,500.00	29,500.00	29,500.00	29,500.00
2	1406 Operations	138,188.40	138,188.40	138,188.40	138,188.40
3	1408 Management Improvements Soft Costs	235,800.00	211,300.00	211,300.00	177,554.18
	Management Improvements Hard Costs				
4	1410 Administration	16,500.00	41,000.00	41,000.00	41,000.00
5	1411 Audit	0.00	0.00	0.00	0.00
6	1415 Liquidated Damages	0.00	0.00	0.00	0.00
7	1430 Fees and Costs	20,000.00	41,423.39	41,423.39	41,423.39
8	1440 Site Acquisition	0.00	0.00	0.00	0.00
9	1450 Site Improvement	0.00	39,651.93	39,651.93	39,651.93
10	1460 Dwelling Structures	571,395.60	510,320.28	510,320.28	510,320.28
11	1465.1 Dwelling Equipment—Nonexpendable	0.00	0.00	0.00	0.00
12	1470 No dwelling Structures	0.00	0.00	0.00	0.00
13	1475 No dwelling Equipment	0.00	0.00	0.00	0.00
14	1485 Demolition	0.00	0.00	0.00	0.00
15	1490 Replacement Reserve	0.00	0.00	0.00	0.00
16	1492 Moving to Work Demonstration	0.00	0.00	0.00	0.00
17	1495.1 Relocation Costs	0.00	0.00	0.00	0.00
18	1499 Development Activities (1498 Funding)	400,000.00	400,000.00	400,000.00	400,000.00
19	1502 Contingency	0.00	0.00	0.00	0.00
	Amount of Annual Grant: (sum of lines.....)	1,381,884.00			

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

PHA Name: Wheeling Housing Authority	Grant Type and Number Capital Fund Program Grant No: WV15P00350100 Replacement Housing Factor Grant No: WV15R00350100	Federal FY of Grant: 2000
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Original Annual Statement Reserve for Disasters/ Emergencies revised Annual Statement
 Performance and Evaluation Report for Period Ending: 3/28/2003 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
	Amount of line XX Related to LBP Activities	0.00			
	Amount of line XX Related to Section 504 compliance	0.00			
	Amount of line XX Related to Security –Soft Costs	190,000.00			
	Amount of Line XX related to Security—Hard Costs				
	Amount of line XX Related to Energy Conservation Measures	391,145.60			
	Collateralization Expenses or Debt Service				
9440	Replacement Housing Factor	\$36,069.00	(expended)	\$15,796.06	

Signature of Executive Director and Date	Signature of Public Housing Director and Date
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Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: Wheeling Housing Authority		Grant Type and Number Capital Fund Program Grant No: WV15P00350100 Replacement Housing Factor Grant No: WV15R00350100				Federal FY of Grant: 2000			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
PHA Wide	Advertisement		1410.19		1,500.00	1,154.98			
PHA Wide	Administration		1410.1		15,000.00	39,500.00			
PHA Wide	A & E Fees		1430.1		20,000.00	41,423.39	41,423.39		K signed
PHA Wide	MANAGEMENT IMPROVEMENTS:		1408						
	Security Personnel for Drug Prevention				135,000.00	19,743.69			
	Employment of Connections Personnel for Drug Prevention				24,500.00				
	Resident Trainee Clerical				36,000.00	21,760.25			
	Employee Training HQWRA				5,000.00				
	Computer Upgrade				4,800.00	4,800.00	4,800.00		
	Marketing Position				30,500.00				
PHA Wide	Operations		1406		138,188.40				
WV-3-7	Parking Lot Extension		1450		0	39,651.39	39,651.93		Complete
WV-3-2	Mod used for Development (1499)				400,000.00	400,000.00	400,000.00		Complete
WV-3-4	Window Replacement		1460		266,200.00	266,200.00	266,200.00		Complete
WV-3-4	Fence Repair/Replacement		N/A		5,000.00*				
WV-3-4	Fan/Light Kitchen (FA)		N/A		6,000.00*				
WV-3-5	Conversion 0-1-2 Bedrooms		1460		113,750.00	140,089.96	140,089.96		Complete
WV-3-5	Entry Door (Automatic)		1460		7,000.00	3,924.00	3,924.00		Complete
WV-3-5	New Security Panel (Entry)		N/A		3,500.00*				
WV-3-6	Patio Windows/Doors		1460		124,945.60	46,087.00	46,087.00		Complete
WV-3-6	Entry Door (Automatic)		1460		9,000.00	5,900.00	5,900.00		Complete

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: Wheeling Housing Authority		Grant Type and Number Capital Fund Program Grant No: WV15P00350100 Replacement Housing Factor Grant No: WV15R00350100				Federal FY of Grant: 2000			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
WV3-6	Main Floor Wallpaper/Paint		N/A		4,500.00*				
WV-3-7	Paint Halls/Base (FA)		1460		26,500.00	25,359.71	25,359.71		Complete
WV-3-7	Carpet Foyer/Over Ceramic		N/A		2,500.00*				
WV-3-7	Entry Door (Automatic)		1460		7,000.00	3,975.00	3,975.00		Complete
WV-3-7	New Tile & Base (Common Room (FA)		1460		7,500.00	3,534.00	3,534.00		Complete
WV-3-10	Entry Door (Automatic)		1460		7,000.00	4,612.00	4,612.00		Complete
WV-3-10	Lobby Carpet		N/A		5,000.00*				Complete
WV-3-10	New Base Lobby		1460		2,500.00	1,351.22	1,351.22		Complete
WV—3-10	Hall Blinds		N/A		3,000.00*				Complete
WV15R00350100	Replacement Housing Factor		9440		36,069.00	15,796.06	15,796.06		

NOTES:

1430.1 A/E Fees 13,318 needed (move funds on revision) (11,689 available from doors (1460) 1,629, from 3-5 extension.

1460	3-5 Auto Door	3,076.00 balance	9460.12 & 9460.12 move from 2003 for security cameras at high-rises. 24,000.00 from drug elimination.
1460	3-6 Auto Door	3,100.00-balance	
1460	3-7 Auto Door	3,125.00 balance	Remainder of 3-5 lot and security cameras to 501-1450, 3-7 parking lot total (50,542.54)
1460	3-10 Auto Door	2,388.00 balance	
Total to move from 1460: 11,689.00			

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

PHA Name: WHEELING HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: WV15P003350101 Replacement Housing Factor Grant No: WV15R00350101	Federal FY of Grant: 2001
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Original Annual Statement Reserve for Disasters/ Emergencies Revised Annual Statement (revision no:)
 XPerformance and Evaluation Report for Period Ending: 3/28/2003 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations	\$141,008.00	\$141,008.00	\$141,008.00	\$35,826.61
3	1408 Management Improvements Soft Costs	\$47,775.00		\$156,251.00	\$64,800.78
	Management Improvements Hard Costs	\$108,476.00			
4	1410 Administration	\$16,500.00	\$16,500.00	\$16,500.00	\$2,435.56
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$25,000.00	\$25,000.00	\$25,000.00	\$23,810.21
8	1440 Site Acquisition				
9	1450 Site Improvement	\$202,377.00	\$295,558.50	\$295,558.50	\$291,827.50
10	1460 Dwelling Structures	\$618,950.00	\$525,768.50	\$525,768.50	\$478,310.37
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	\$250,000.00		\$250,000.00	\$250,000.00
19	1502 Contingency				
	Amount of Annual Grant: (sum of lines.....)	\$1,410,086.00	\$1,410,086.00	\$1,365,086.00	

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

PHA Name: WHEELING HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: WV15P003350101 Replacement Housing Factor Grant No: WV15R00350101	Federal FY of Grant: 2001
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Original Annual Statement **Reserve for Disasters/ Emergencies** **Revised Annual Statement (revision no:)**
XPerformance and Evaluation Report for Period Ending: 3/28/2003 **Final Performance and Evaluation Report**

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance	\$42,000.00			
	Amount of line XX Related to Security –Soft Costs				
	Amount of Line XX related to Security-- Hard Costs	\$50,000.00			
	Amount of line XX Related to Energy Conservation Measures	\$125,000.00			
	Collateralization Expenses or Debt Service				
	Replacement Housing Factor	\$36,806.00		\$36,806.00	\$15,796.06

Signature of Executive Director and Date	Signature of Public Housing Director and Date
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Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350101 Replacement Housing Factor Grant No:				Federal FY of Grant: 2001			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
3-4	BATH ROOM FANS		1460	92	\$27,600.00		\$19,762.34		100%
3-4	NEW KITCHENS 1 STORY UNITS		1460	37	\$121,000.00		\$95,465.61		85%
3-4	CARPET		1460	1	\$15,000.00		\$10,345.38		100%
3-5	NEW ROOF & FLASHING, REMOVE PARAPET WALL & RE-CAP		1460	1	\$85,000.00		\$73,718.00		100%
3-5	CONVERSION APARTMENTS		1460	13	\$123,750.00		\$124,663.96		100%
3-5	SECURITY CAMERAS 3-5		1460	1	\$13,000.00		0		
3-6	NEW GENERATOR		1460	1	\$45,000.00		\$23,885.88		67%
3-6	RANGE & REFRIGERATOR REPLACEMENT (FA)		1460	105	\$78,000.00		\$70,542.20		100%
3-6	EXHAUST SYSTEM (FA)		1460	1	\$7,000.00		0		
3-7	BOILER REPLACEMENT		1460	1	\$75,500.00		\$51,683.00		100%
3-7	PARKING LOT EXTENTION		1450	1	\$318,248.00	\$261,058.50	\$261,058.50		100%
3-7	LOBBY PANEL 3-7		1460	1	\$4,000.00		\$4,000.00		100%
3-10	SECURITY CAMERAS 3-10		1460	1	\$10,100.00		0		On Going
3-10	LOBBY PANEL		1460	1	\$7,000.00		\$4,244.00		
3-10	EXHAUST SYSTEM (FA)		1460	1	\$7,000.00		0		
3-10	FRENCH DRAINS/ RETAINING WALLS		1450	1	\$82,907.00		\$34,500.00		100%

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part III: Implementation Schedule

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program No: WV15P00350101 Replacement Housing Factor No:					Federal FY of Grant: 2001
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
WV 3-2	03/30/03			09/30/04			
WV 3-4	03/30/03			09/30/04			
WV 3-5	03/30/03			09/30/04			
WV 3-6	03/30/03			09/30/04			
WV 3-7	03/30/03			09/30/04			
WV 3-10	03/30/03			09/30/04			

Capital Fund Program Five-Year Action Plan

Part I: Summary

PHA Name WHEELING HOUSING AUTHORITY		<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:			
Development Number/Name/HA- Wide	Year 1	Work Statement for Year 2 FFY Grant: PHA FY: 2002	Work Statement for Year 3 FFY Grant: PHA FY:2003	Work Statement for Year 4 FFY Grant: PHA FY:2004	Work Statement for Year 5 FFY Grant: PHA FY:2005
	Annual Statement				
Advertisement		\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
Administration		\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
A & E Fees		\$18,000.00	\$37,000.00	\$26,000.00	\$15,000.00
Management		\$149,751.00	\$149,751.00	\$149,751.00	\$149,751.00
Operations		\$141,008.00	\$141,008.00	\$141,008.00	\$141,008.00
1499		\$250,000.00	\$100,000.00	\$100,000.00	\$50,000.00
WV 3-4		\$209,100.00	\$283,060.00	\$206,827.00	\$79,000.00
WV 3-5		\$216,857.00	\$44,820.00	\$74,000.00	\$105,000.00
WV 3-6		\$92,000.00	\$333,947.00	\$198,000.00	\$80,000.00
WV 3-7		\$222,270.00	\$80,000.00	\$223,000.00	\$449,060.00
WV 3-10		\$94,600.00	\$224,000.00	\$275,000.00	\$324,767.00
Total CFP Funds (Est.)		\$1,410,086.00	\$1,410,086.00	\$1,410,086.00	\$1,410,086.00
Total Replacement Housing Factor Funds					

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :2003_____			Activities for Year: 2004_____		
		FFY Grant:			FFY Grant:	
		PHA FY:2002			PHA FY:2003	
Annual	PHA Wide	Advertisement	\$1,500.00	PHA Wide	Advertisement	\$1,500.00
Statement	PHA Wide	Administration	\$15,000.00	PHA Wide	Administration	\$15,000.00
	PHA Wide	A & E Fees	\$18,000.00	PHA Wide	A & E Fees	\$37,000.00
	PHA Wide	Management Improvements	\$149,751.00	PHA Wide	Management Improvements	\$149,751.00
	1406	Operations	\$141,008.00	1406	Operations	\$141,008.00
	1499	Development Activities	\$250,000.00	1499	Development Activities	\$100,000.00
	WV 3-4	Curbs & Stops/Sidewalks	\$15,000.00	WV 3-4	New Roofs	\$193,060.00
	WV 3-4	5 Year Tree Trimming	\$15,000.00	WV 3-4	Security Cameras	\$90,000.00
	WV 3-4	New Kitchen Cabinets	\$152,560.00			
	WV 3-4	Bi-fold Doors Laundry	\$26,540.00	WV 3-5	New Balcony Doors	\$10,820.00
	WV 3-5	Parking Lot Extension	\$69,000.00	WV 3-5	New Apartment Doors	\$34,000.00
	WV 3-5	Apartment Conversions	\$123,750.00	WV 3-6	Fire Tower Doors	\$18,947.00
	WV 3-5	Storage Room Locks	\$1,200.00	WV 3-6	New Kitchen Cabinets	\$200,000.00
	WV 3-5	Replace Fire Doors	\$22,907.00	WV 3-6	New Roof	\$45,000.00
	WV 3-6	Security Cameras	\$12,000.00	WV 3-6	New Boilers	\$70,000.00
	WV 3-6	New Smoke Detectors	\$80,000.00	WV 3-7	New Refrigerators	\$80,000.00
	WV 3-7	Outdoor Lighting	\$60,000.00			
	WV 3-7	New Generator	\$55,000.00	WV 3-10	New Roof	\$45,000.00
	WV 3-7	Security Cameras	\$17,270.00	WV 3-10	Vanities/Floors/Rail	\$85,000.00
	WV 3-7	New Smoke Detectors	\$90,000.00	WV 3-10	Fire Tower Doors	\$24,000.00
				WV 3-10	New Boilers	\$70,000.00
	WV 3-10	New Hall Doors	\$49,600.00			
	WV 3-10	New Generator	\$45,000.00			

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year :_2005____			Activities for Year: 2006____		
			FFY Grant: PHA FY: 2004		FFY Grant: PHA FY: 2005	
Annual	PHA Wide	Advertisement	\$1,500.00	PHA Wide	Advertisement	\$1,500.00
Statement	PHA Wide	Administration	\$15,000.00	PHA Wide	Administration	\$15,000.00
	PHA Wide	A & E Fees	\$26,000.00	PHA Wide	A & E Fees	\$15,000.00
	PHA Wide	Management Improvements	\$149,751.00	PHA Wide	Management Improvements	\$149,751.00
	1406	Operations	\$141,008.00	1406	Operations	\$141,008.00
	1499	Development Activities	\$100,000.00	1499	Development Activities	\$50,000.00
	WV 3-4	New HVAC	\$25,880.00	WV 3-4	Parking Lot	\$40,000.00
	WV 3-4	New Siding	\$160,947.00	WV 3-4	New Stoves	\$39,000.00
	WV 3-4	Garage Door Enlarge	\$20,000.00			
	WV 3-5	New Fence/Sidewalks	\$23,000.00			
	WV 3-5	New Vanities/ Floors	\$51,000.00	WV 3-5	New Stoves/ Frig	\$60,000.00
	WV 3-6	New Make-up Air	\$40,000.00	WV 3-5	Security Cameras	\$45,000.00
	WV 3-6	New Vanities/ Floors	\$65,000.00			
	WV 3-6	New Hall Doors	\$36,000.00	WV 3-6	Paint Building	\$80,000.00
	WV 3-6	Security Cameras	\$12,000.00	WV 3-7	Fire Tower Doors	\$64,060.00
	WV 3-6	New Carpet	\$45,000.00	WV 3-7	New Windows	\$165,000.00
	WV 3-7	New Hall Carpet	\$68,000.00	WV 3-7	Bathroom Renovations	\$160,000.00
	WV 3-7	New Roof	\$55,000.00	WV 3-7	New Hall Doors	\$60,000.00
	WV 3-7	Nurse Station Bedroom	\$100,000.00	WV 3-10	New Smoke Detectors	\$86,820.00
	WV 3-10	New Carpet	\$45,000.00	WV 3-10	Bathroom Renovation	\$100,000.00
	WV 3-10	New Kitchen Cabinets	\$230,000.00	WV 3-10	New Windows	\$55,000.00
				WV 3-10	Paint Building	\$82,947.00

CAPITAL FUND PROGRAM TABLES START HERE

Annual Statement/Performance and Evaluation Report					
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part 1: Summary					
PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No: WV15R00350101			Federal FY of Grant: 2001
<input checked="" type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:)					
<input type="checkbox"/> Performance and Evaluation Report for Period Ending: <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations				
3	1408 Management Improvements Soft Costs				
	Management Improvements Hard Costs				
4	1410 Administration				
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs				
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures				
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Nondwelling Structures				
13	1475 Nondwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	\$36,806.00			
19	1502 Contingency				

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

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350102 Replacement Housing Factor Grant No: WV15R00350102			Federal FY of Grant: 2002
Original Annual Statement <input type="checkbox"/> Reserve for Disasters/ Emergencies <input type="checkbox"/> Revised Annual Statement (revision no:) X Performance and Evaluation Report for Period Ending: 03/28/2003 <input type="checkbox"/> Final Performance and Evaluation Report					
Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds	\$289,323.00			
2	1406 Operations	\$131,494.00		\$131,494.00	\$249.62
3	1408 Management Improvements Soft Costs	\$152,900.00		\$152,900.00	\$199.99
	Management Improvements Hard Costs	\$100,000.00		\$100,000.00	\$28,344.51
4	1410 Administration	\$49,083.00		\$49,083.00	\$261.42
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	\$19,000.00		\$19,000.00	
8	1440 Site Acquisition				
9	1450 Site Improvement	\$120,430.00		\$78,820.00	
10	1460 Dwelling Structures	\$492,038.00		\$277,038.00	\$22,004.48
11	1465.1 Dwelling Equipment—Nonexpendable				
12	1470 Non-dwelling Structures				
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1490 Replacement Reserve				
16	1492 Moving to Work Demonstration				
17	1495.1 Relocation Costs				
18	1499 Development Activities	\$250,000.00		\$250,000.00	\$250,000.00

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

PHA Name: WHEELING HOUSING AUTHORITY	Grant Type and Number Capital Fund Program Grant No: WV15P00350102 Replacement Housing Factor Grant No: WV15R00350102	Federal FY of Grant: 2002
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Original Annual Statement Reserve for Disasters/ Emergencies Revised Annual Statement (revision no:)
X Performance and Evaluation Report for Period Ending: 03/28/2003 Final Performance and Evaluation Report

Line No.	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
	Amount of Annual Grant: (sum of lines.....)	\$1,314,945.00		\$301,060.02	
	Amount of line XX Related to LBP Activities				
	Amount of line XX Related to Section 504 compliance	\$17,800.00			
	Amount of line XX Related to Security –Soft Costs				
	Amount of Line XX related to Security-- Hard Costs				
	Amount of line XX Related to Energy Conservation Measures	\$282,907.00			
	Collateralization Expenses or Debt Service				
19	Replacement Housing Factor	\$34,093.00		\$34,093.00	

Signature of Executive Director and Date	Signature of Public Housing Director and Date
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Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350102 Replacement Housing Factor Grant No:				Federal FY of Grant: 2002			
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost		Total Actual Cost	Status of Work	
PHA WIDE	Curbs and Sidewalks FA		1450	5	\$15,000.00			0%	
PHA WIDE	Tree Trimmings/Landscaping		1450	5	\$41,610.00			Bid	
WV 3-4	Kitchen Cabinets FA		1460	57	\$152,560.00			15%	
WV 3-5	Parking Lot/ Fence FA		1450	1	\$63,820.00			0%	
WV 3-5	Storage Locks FA		1460	10	\$1,200.00		\$1,200.00	100%	
WV 3-5	Fire Door Replacement FA		1460	18	\$20,000.00			Ordered	
WV 3-6	Smoke Detectors		1460	1	\$80,000.00			A&E	
WV 3-6	Tamper Proof Lights FA		1460	9	\$2,600.00		\$2,600.00	100%	
WV 3-6	Community Room Floor FA		1460	1	\$4,500.00		\$3,408.41	100%	
WV 3-6	Fire Door Replacement FA		1460	18	\$22,771.00			Ordered	
WV 3-7	New Generator		1460	1	\$55,000.00			75%	
WV 3-7	Smoke Detectors		1460	1	\$90,000.00			A&E	
WV 3-10	New Generator		1460	1	\$45,000.00			75%	
WV 3-10	Hand-Held Showers FA		1460	102	\$5,500.00			0%	
WV 3-14	Replacement Windows		1460	40	\$12,907.00			0%	

Annual Statement/Performance and Evaluation Report
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)
Part II: Supporting Pages

PHA Name: WHEELING HOUSING AUTHORITY		Grant Type and Number Capital Fund Program Grant No: WV15P00350102 Replacement Housing Factor Grant No:				Federal FY of Grant: 2002		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories		Dev. Acct No.	Quantity	Total Estimated Cost	Total Actual Cost		Status of Work
PHA WIDE	Wages – Security Drug Elimination		1408		\$40,000.00	\$28,490.55		50%
	Wages & Fringes – Resident Trainee Clerical/Computer		1408		\$10,000.00			0%
	Training Staff		1408		\$5,000.00	\$199.99		2.5%
	Wages & Fringes – Marketing Position		1408		\$25,000.00			0%
	Wages & Fringes – Warehouse Assistant		1408		\$20,000.00			0%
	Wages – Fringes – Capital Fund Assistant		1408		\$15,000.00			0%
	Summer Camp		1408		\$31,000.00			0%
	After School Program		1408		\$57,000.00			0%
	N. Wheeling Community Activities		1408		\$13,093.00			0%
	Wages & Fringes – Youth Assistant		1408		\$7,000.00			0%
	Wages & Fringes – Capital Fund Program Carpenter		1408		\$29,807.00			0%
PHA WIDE	Wages & Fringes – Administration		1410		\$39,500.00			0%
	Wages & Fringes – Resident Services Coordinator		1410		\$8,083.00			0%
	Advertising		1410		\$1,500.00	\$261.42		5.7%

Capital Fund Program Five-Year Action Plan

Part I: Summary

PHA Name Wheeling Housing Authority		<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revision No:			
Development Number/Name/HA-Wide	Year 1	Work Statement for Year 2 FFY Grant: 501-03 PHA FY: 2003	Work Statement for Year 3 FFY Grant: 501-04 PHA FY: 2004	Work Statement for Year 4 FFY Grant: 501-05 PHA FY: 2005	Work Statement for Year 5 FFY Grant: 501-06 PHA FY: 2006
	Annual Statement				
Advertisement		\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
Administration		\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
A&E Fees		\$35,947.00	\$26,000.00	\$15,000.00	\$13,600.00
Management		\$149,751.00	\$149,751.00	\$149,751.00	\$149,751.00
Operations		\$134,900.00	\$134,900.00	\$134,900.00	\$134,900.00
1499		\$100,000.00	\$100,000.00	\$50,000.00	0
WV 3-4		\$233,060.00	\$286,827.00	\$279,000.00	\$224,000.00
WV 3-5		\$158,880.00	\$65,000.00	\$70,000.00	\$105,260.00
WV 3-6		\$315,000.00	\$150,000.00	\$80,000.00	\$320,000.00
WV 3-7		\$60,000.00	\$123,000.00	\$264,120.00	\$207,000.00
WV 3-10		\$135,000.00	\$287,060.00	\$269,767.00	\$163,027.00
WV3-14		\$10,000.00	\$10,000.00	\$20,000.00	\$15,000.00
Total CFP Funds (Est.)		\$1,349,038.00	\$1,349,038.00	\$1,349,038.00	\$1,349,038.00
Total Replacement Housing Factor Funds					

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year : <u>2004</u> FFY Grant: 501-03 PHA FY: 2003			Activities for Year: <u>2005</u> FFY Grant: 501-04 PHA FY: 2004		
Annual Statement	PHA WIDE	Advertisement	\$1,500.00	PHA WIDE	Advertisement	\$1,500.00
	PHA WIDE	Administrative	\$15,000.00	PHA WIDE	Administration	\$15,000.00
	PHA WIDE	A & E Fees	\$35,947.00	PHA WIDE	A & E Fees	\$26,000.00
	PHA WIDE	Management Improvements	\$149,751.00	PHA WIDE	Management Improvements	\$149,751.00
	1406	Operations	\$134,900.00	1406	Operations	\$134,900.00
	1499	Development Activities	\$100,000.00	1499	Development Activities	\$100,000.00
	WV 3-4	New Roofs	\$193,060.00	PHA WIDE	New HVAC	\$25,880.00
	WV 3-4	Security Cameras	\$40,000.00	WV 3-4	New Siding	\$260,947.00
	WV 3-5	Assisted Living	\$158,880.00	WV 3-5	New Vanities/Floors	\$65,000.00
	WV 3-6	Kitchen Cabinets	\$200,000.00	WV 3-6	New Make-up Air	\$40,000.00
	WV 3-6	New Roof	\$45,000.00	WV 3-6	Vanities/Floors	\$65,000.00
	WV 3-6	New Boilers	\$70,000.00	WV 3-6	Hall Carpet	\$45,000.00
	WV 3-7	New Refrigerators	\$60,000.00	WV 3-7	Hall Carpet	\$68,000.00
	WV 3-10	New Roof	\$45,000.00	WV 3-7	New Roof	\$55,000.00
	WV 3-10	Fire Tower Door	\$20,000.00	WV 3-10	Hall Carpet	\$45,000.00
	WV 3-10	New Boilers	\$70,000.00	WV 3-10	Kitchen Cabinets	\$200,000.00
	WV3-14	Electric Panels	\$10,000.00	WV 3-10	New Windows	\$42,060.00
				WV3-14	Paint Building	\$10,000.00

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages—Work Activities

Activities for Year 1	Activities for Year : <u>2006</u> FFY Grant: 501-05 PHA FY: 2005			Activities for Year: <u>2007</u> FFY Grant: 501-06 PHA FY: 2006		
Annual	PHA WIDE	Advertisement	\$1,500.00	PHA WIDE	Advertisement	\$1,500.00
Statement	PHA WIDE	Administration	\$15,000.00	PHA WIDE	Administration	\$15,000.00
	PHA WIDE	A&E Fees	\$15,000.00	PHA WIDE	A&E Fees	\$13,600.00
	PHA WIDE	Management Improvements	\$149,751.00	PHA WIDE	Management Improvements	\$149,751.00
	1406	Operations	\$134,900.00	1406	Operations	\$134,900.00
	1499	Development Activities	\$50,000.00	1499	Development Activities	0
	WV 3-4	New Stoves	\$39,000.00	WV 3-4	New Floor Tile	\$184,000.00
	WV 3-4	Central Air	\$165,000.00	WV 3-4	Storage Room	\$40,000.00
	WV 3-4	New Bath Fixtures	\$75,000.00	WV 3-5	Emergency lights/bedrm	\$15,200.00
	WV 3-5	Stoves/Refrigerators	\$70,000.00	WV 3-5	Make-up Air System	\$90,060.00
	WV 3-6	Paint Building	\$80,000.00	WV 3-6	Bath Renovation	\$215,000.00
	WV 3-7	New Fire Doors	\$64,120.00	WV 3-6	Balcony Railings	\$105,000.00
	WV 3-7	Bath Renovations	\$140,000.00	WV 3-7	New Windows	\$165,000.00
	WV 3-7	Hall Doors	\$60,000.00	WV 3-7	Handrails Parking Lot	\$42,000.00
	WV 3-10	New Smoke Detectors	\$86,820.00	WV 3-10	New VCT Apts.	\$163,027.00
	WV 3-10	Bath Renovations	\$100,000.00	WV3-14	New Lighting	\$15,000.00
	WV 3-10	Paint Building	\$82,947.00			
	WV3-14	VCT/Carpet	\$20,000.00			

**A RESOLUTION
AMENDING THE WHEELING HOUSING AUTHORITY'S
ADMISSION AND CONTINUED OCCUPANCY POLICIES
TO PROVIDE FOR DECONCENTRATION OF POVERTY AND INCOME MIXING
IN ITS PUBLIC HOUSING DEVELOPMENTS.**

WHEREAS, the Quality Housing and Work Responsibility Act of 1998 requires public housing agencies to submit with their annual public housing agency plan an admission policy designed to provide for deconcentration of poverty and income mixing, by bringing higher income residents into lower income public housing communities and bringing lower income residents into higher income public housing communities; and

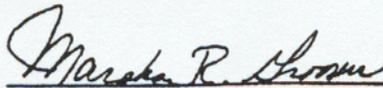
WHEREAS, the Authority operates public housing developments within its jurisdiction area and thus is subject to the requirements of the Quality Housing and Work Responsibility Act of 1998 as it pertains to the deconcentration of public housing developments.

NOW THEREFORE BE IT RESOLVED: That the Admission and Continued Occupancy Policies shall be amended as follows:

- 1. The Authority encourages deconcentration of poverty and income mixing in its public housing communities by encouraging higher income residents to move into lower income public housing communities and encouraging lower income residents to move into higher income communities, should there be a concentration of poverty in one over the other.**
 - (a) The Authority will periodically determine and compare the family incomes of each public housing community with the family incomes of census tracts in which each housing development is located.**
 - (b) In the event there appears to be a concentration of poverty in one or more public housing communities, the Authority will from time to time "skip" certain families on its waiting list to select families with a higher or lower income, as the case may be, to further its goal of deconcentration of poverty and income mixing. Such selection of families on the basis of income will be applied uniformly to meet the deconcentration of poverty and income mixing goals.**
 - (c) The Authority will make an offer to the next eligible family with the appropriate income needed to further the deconcentration of poverty and income mixing goals.**

This Resolution is hereby adopted by the Housing Authority of the City of Wheeling's Board of Commissioners on this 30th day of June 1999.

Marsha Groover, Chairman



WHEELING HOUSING AUTHORITY
Organizational Chart

Board of Commissioners

Executive Director

Executive Assistant

Marketing Manager

Director of Program Development & Special Projects

Director of Resident Service
Director of Operations
Director of Housing Choice Voucher Program
Director of Public Housing
Director of Finance

Cap. Fund Assistant

Coords. (ROSS)
FSS
Coordinator
FSS Case Manager(s)
Youth Assistant(s)
Maintenance Foreman

Warehouse Manager

Cashier/
Receptionist

Nutrition Coord.
Social Service Interns
Contract Employees & CWEP/
JOIN
Maintenance Mechanic(s)
HCVP Inspector

Maintenance Laborer(s)
Resident Trainee(s)
P-T Finance Assistant(s)

Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Wheeling Housing Authority (WHA) owns, manages and operates public housing under the Public Housing Program created by the U.S. Housing Act of 1937. The WHA also provides funding for housing constructed under the WHA's HOPE VI Revitalization Program. HOPE VI units are owned by private affiliates of the WHA, described in Chapter 16. Some of the HOPE VI dwelling units are public housing units and other units are supported by Low Income Housing Tax Credits ("LIHTC" or "tax credits") authorized by Section 42 of the Internal Revenue Code. Day to day management of HOPE VI dwelling units is provided by Wheeling Neighborhood Ventures, Incorporated (WNV), a non-profit affiliate of the WHA. The policies and objectives of this Admissions and Continued Occupancy Policy (ACOP) apply to both the public housing program and the HOPE VI revitalization program. References in the ACOP to the WHA also apply to the WNV.

Administration of the Public Housing Program and the HOPE VI Revitalization Program, and the functions and responsibilities of the Wheeling Housing Authority (WHA) staff shall be in compliance with the WHA's Personnel Policy, and this Admissions and Continued Occupancy Policy (ACOP). The administration of WHA's housing programs will also meet the requirements of the Department of Housing and Urban Development, and the Internal Revenue Service and the West Virginia Housing Development Fund, as applicable. Such requirements include any Public Housing and Internal Revenue Service Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in 24 Code of Federal Regulations (CFR), Parts 1, 5, 8, 100 and 900 through 966, and 26 CFR, Part 1-42.

A. HOUSING AUTHORITY MISSION STATEMENT

The Wheeling Housing Authority is committed to building stronger neighborhoods by providing quality housing options and professional services for eligible residents of Ohio County in partnership with the greater community.

B. LOCAL OBJECTIVES

The ACOP is designed to demonstrate that the WHA and WNV is managing their programs in a manner that reflects a commitment to improve the quality of housing available to the public, and a capacity to manage that housing in a manner that demonstrates responsibility to the public trust. In addition, the ACOP is designed to achieve the following objectives:

- To provide improved living conditions for extremely low, very low and low income families while maintaining their rent payments at an affordable level.

- To operate a socially and financially sound public housing agency that provides decent, safe, and sanitary housing within a drug free, suitable living environment for tenants and their families.
- To avoid concentrations of economically and socially deprived families in any one or all of the public housing and HOPE VI Revitalization Program developments.
- To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to WHA or WNV employees.
- To attempt to house a tenant body in each development that is composed of families with a broad range of incomes and rent-paying abilities that are representative of the range of incomes of low-income families in the WHA's jurisdiction.
- To provide opportunities for upward mobility for families who desire to achieve self-sufficiency.
- To facilitate the judicious management of the public housing and HOPE VI inventory, and the efficient management of the WHA and WNV staff.
- To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations so that the admissions and continued occupancy are conducted without regard to race, color, religion, creed, sex, national origin, handicap, marital status, sexual orientation or familial status.

C. PURPOSE OF THE POLICY

The purpose of this ACOP is to establish guidelines for the WHA and WNV staff to follow in determining eligibility for admission and continued occupancy to the Public Housing Program and HOPE VI Revitalization Program. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) and Section 42 of the Internal Revenue Code, with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, WNV and the WHA.

The WHA Board of Commissioners and the owners of the HOPE VI Revitalization Program dwellings must approve the original policy and any changes. Required portions of this Plan will be provided to HUD.

D. FAIR HOUSING POLICY

It is the policy of the Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. The WHA will comply with all laws relating to Civil Rights, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act
- The West Virginia Fair Housing Act and any other applicable State laws or local ordinances and any legislation protecting individual rights of tenants, applicants or staff that may subsequently be enacted.

The WHA shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the WHA's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters and housing information are displayed in locations throughout the WHA's office in such a manner as to be easily readable from a wheelchair.

To further its commitment to full compliance with applicable Civil Rights laws, the WHA will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during the resident orientation session.

All WHA offices are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

The WHA shall not, on account of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to lease housing suitable to its needs;
- Provide housing that is different from that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with the housing program;

- Treat a person differently in determining eligibility or other requirements for admission; or
- Deny a person access to the same level of services.

The WHA shall not automatically deny admission to a particular group or category of otherwise qualified applicants (e.g., families with children born to unmarried parents, families with pets).

E. SERVICE AND ACCOMMODATIONS POLICY FOR PEOPLE WITH DISABILITIES

It is the policy of the Wheeling Housing Authority to provide courteous and efficient service to all applicants for housing assistance. In that regard, the WHA will endeavor to accommodate persons with disabilities.

This policy is applicable to all situations described in this Admissions and Continued Occupancy Policy when a family initiates contact with the WHA, when the WHA initiates contact with a family including when a family applies, and when the WHA schedules or reschedules appointments of any kind.

It is the policy of this WHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to the families within our jurisdiction.

The WHA's policies and practices will be designed to provide assurances that all housing programs and related services will be readily accessible to and usable by people with disabilities. The availability of specific services and accommodations will be made known by including notices on WHA forms and letters to all families, and all requests will be verified so that the WHA can properly accommodate the need presented by the disability.

Disability under the Americans with Disabilities Act of 1990, Section 504 of the 1973 Rehabilitation Act, the Fair Housing Amendments Act of 1988 and the West Virginia Fair Housing Act.

With respect to an individual, the term "disability" as defined in civil rights laws means:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual; or
- A record of such impairment, or
- Being regarded as having such impairment.

Accessible Facilities and Dwelling Units

WHA's management offices and non-housing facilities are readily usable and accessible to people with disabilities to the maximum feasible extent. Families will be offered an accessible

unit, upon request by the family, when an accessible unit is available, consistent with the provisions of Chapter 5.

Communications

The WHA will take appropriate steps to insure effective communication with applicants, occupants and members of the public, and will furnish appropriate auxiliary aids where needed to afford a person with disabilities an equal opportunity to participate in WHA programs. Examples of auxiliary aids may include sign language interpretation; having material explained orally by staff; providing large type materials; or having a third party representative (a friend, relative or advocate, named by the applicant) receive, interpret and explain housing materials and be present at all meetings. The WHA will not provide individually prescribed devices, and will not take any action that will result in a fundamental alteration of WHA programs, or impose an undue financial or administrative burden.

Reasonable Accommodation

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that the accommodation is necessary to enable a qualified person with disabilities to have an equal opportunity to participate in WHA programs. The requested accommodation must be related to a disability and must not fundamentally alter WHA programs or create an "undue financial and administrative burden" for the WHA, meaning an action requiring "significant difficulty or expense."

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

- The nature and cost of the accommodation needed;
- The overall current financial resources of the facility or facilities involved in the provision of the reasonable accommodation; and
- The number of persons currently employed at such facility, the number of families likely currently to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification of a unit will be verified with a reliable, knowledgeable, professional. Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability. The WHA will require verification from a knowledgeable professional when a request for a home visit recertification is submitted.

Examples of Reasonable Accommodations

Assistance with Applications

A reasonable accommodation will be made for persons with a disability who require an advocate, friend, family member, social services provider or health professional. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

Application Process

For purposes of this section, the Wheeling Housing Authority will make the following types of accommodations to persons with disabilities to facilitate the application process by permitting the submission of applications or certification forms via mail or permitting an authorized designee to participate in the application or certification process.

Recertification by Mail

The WHA will permit the family to submit annual and interim recertification forms through the mail, when the WHA has determined that the request is necessary as a reasonable accommodation. The mail-in packet will include notice to the family of the WHA's deadline for returning the completed forms to the WHA.

If there is more than one adult member in the household, but only one is disabled, recertifications will not be processed through the mail. In such cases, the able adult family members come in for the appointment and then take the necessary forms home to the member with a disability for completion and signature.

Home Visits

When requested and where the need for reasonable accommodation has been established, the WHA will conduct home visits to residents to conduct annual and interim recertifications. The WHA will consider home visit recertifications which are requested after the scheduled appointment has been missed, according to the number of allowed rescheduled appointments noted in the chapter on Recertifications.

Physical Modifications to Dwelling Units

The WHA may make structural modifications to dwelling units and common areas when needed as a reasonable accommodation to a person with disabilities. The requested accommodation must not fundamentally alter WHA programs or create an undue financial and administrative burden.

Other Accommodations

The WHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

F. ASSISTANCE TO PEOPLE WITH LIMITED ENGLISH-SPEAKING ABILITY

The WHA will take reasonable steps to ensure meaningful access to its services, programs and activities for people of limited English proficiency. Based on the factors set out below, the WHA may choose to take such steps as oral language services with bilingual staff, interpreters, community volunteers, telephone interpreter lines, translation of written materials, including translation of vital documents, and foreign language notices that advise families of the availability of oral translation of vital documents.

- In determining the scope of language assistance to be provided, the WHA will consider the following factors:
- Number of families in the WHA service area who do not speak English and speak the other language.
- The frequency with which people with limited English-speaking ability come into contact with the WHA.
- The nature and importance of the particular information, service or program.
- The resources needed and available to the WHA, including an evaluation of the estimated cost to the WHA and the availability of local organizations to provide translation services to non-English speaking families.

G. LITERACY ASSISTANCE

The Wheeling Housing Authority will provide readers to assist persons with literacy barriers in completing the application and certification process.

H. PUBLIC HOUSING ASSESSMENT SYSTEM (PHAS) OBJECTIVES

The WHA operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the WHA is using its resources in a manner that reflects its commitment to quality and service. The WHA policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902 final published regulations.

I. FAMILY OUTREACH

The WHA will publicize and disseminate information to make known the availability of housing units and housing-related services for low-income families on a regular basis. The WHA will communicate the status of housing availability to other service providers in the community. The WHA will advise them of housing eligibility factors and guidelines in order that they can make proper referrals for those who seek housing.

When the WHA's waiting list is open, the WHA will periodically publicize the availability and nature of housing assistance for very low income and low-income families in a newspaper of general circulation, including local minority publications and other suitable means.

To reach persons who cannot read the newspapers, the WHA will distribute fact sheets to the broadcast media and utilize public service announcements.

J. PRIVACY RIGHTS

Applicants and participants, including all adults in their households, are required to sign the form HUD-9886, "Authorization for Release of Information and Privacy Act Notice." This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information. The WHA's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.

Any and all information that would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential." The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the staff person designated by the Executive Director. The WHA's practices and procedures are designed to safeguard the privacy of applicants and tenants. Files will never be left unattended or placed in common areas.

WHA staff will not discuss or access family information contained in files unless there is a business reason to do so. Staff will be required to disclose whether s/he has relatives living in Public Housing. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

K. POSTING OF REQUIRED INFORMATION

The WHA will maintain a bulletin board in a conspicuous area of the lobby of all WHA administrative offices that will contain:

- Statement of policies and procedures governing Admissions and Continued Occupancy Policy (ACOP) or a notice of where the policy is available
- A notice of where the WHA 5-year Plan and WHA Annual Plan are available
- Information on application taking
- Directory of the WHA's housing sites including names, address of offices and office hours at each facility.
- Income limits for Admission
- Current schedule of routine maintenance charges

- A copy of the lease
- The WHA's grievance procedures
- A Fair Housing Poster
- An Equal Opportunity in Employment poster
- Current Resident Notices
- Required public notices
- Security Deposit Charges
- Information on preferences
- Schedule of Utility Allowances (if applicable)
- Information on Screening and Eviction for Drug Abuse and other Criminal Activity.
- Tenant Selection policies
- Zero Tolerance Policy (sexual harassment)
- Fraud Hotline Information
- Mission Statement

L. TERMINOLOGY

The Housing Authority of Wheeling Housing Authority is referred to as "WHA" or "Housing Authority" or "HA" throughout this document.

"Family" is used interchangeably with "Applicant," "Resident" or "Participant" or and can refer to a single-person family.

"Tenant" is used to refer to participants in terms of their relation as a lessee to the WHA as the landlord.

"Landlord" refers to the WHA.

"Disability" is used where "handicap" was formerly used.

"Noncitizens Rule" refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

See Glossary for other terminology.

Chapter 2

ELIGIBILITY FOR ADMISSION

INTRODUCTION

This Chapter defines the WHA's basic criteria for admission and denial of admission to the Public Housing and HOPE VI Revitalization programs. Additional policies for admission to the units that are part of the HOPE VI Revitalization program are described in Chapter 16 of the ACOP. The policy of this WHA is to strive for objectivity and consistency in applying these criteria to evaluate the qualifications of families who apply. The WHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the WHA pertaining to their eligibility.

A. QUALIFICATION FOR ADMISSION

It is the WHA's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

- Is a family as defined in this Chapter;
- Heads a household where at least one member of the household is either a citizen or eligible non-citizen. (24 CFR Part 5, Subpart E).
- Has an Annual Income at the time of admission that does not exceed the income limit for occupancy established by HUD, or established for the LIHTC program and posted separately in the WHA offices.
- Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;
- Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.
- Is not currently adequately housed in a WHA dwelling unit or on the Transfer List. When approved for a move in accordance with WHA Transfer Policy due to emergency conditions or extenuating circumstances including, but not limited to severe harassment, hate crimes, and witness protection as authorized by the WHA's Executive Director, transfers are approved and facilitated immediately upon unit availability.

Timing for the Verification of Qualifying Factors

The qualifying factors of eligibility will be verified when the family is placed on the waiting list.

B. FAMILY COMPOSITION

Definition of Family

The applicant must qualify as a Family. A group of persons is defined by the WHA as two or more persons who intend to share residency, whose income and resources are available to meet the family's needs, and who will live together in WHA housing. Elderly, disabled, and displaced families are defined by HUD in 24 CFR sec. 5.403. The term "Family" includes, but is not limited to:

- A family with or without children;
- A single elderly person;
- A single disabled person;
- A displaced family;
- The remaining member of a tenant family;
- A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;
- Two or more elderly or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family;
- Two or more near-elderly persons living together, or one or more near-elderly persons living with one or more live-in aides.

The temporary absence of a child from the home due to placement in foster care shall not be considered in determining the family composition and family size.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as head of household if there is a court order recognizing them as an emancipated minor.

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-head

An individual in the household who is equally responsible for the lease with the Head of Household. A household may have either a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide, and the applicant may be offered a unit with an additional bedroom, provided that such live-in aide:

- Is determined by the WHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits. Live-in aides are not subject to Noncitizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in attendant may also reside in the unit, provided that the live-in attendant and the family members otherwise qualify for occupancy under this ACOP. The applicant household will not be permitted to occupy a unit with more than one extra bedroom. The presence of the additional family member(s) must not overcrowd the unit.

A Live-in Aide may only reside in the unit with the approval of the WHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly (50-61) or disabled.

Verification of the need for a live-in aide must include the hours the care will be provided.

The WHA has the right to disapprove a request for a live-in aide based on the "Other Eligibility Criteria" described in this Chapter.

C. MANDATORY SOCIAL SECURITY NUMBERS

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program. Failure to furnish verification of social security numbers is grounds for denial of

admission or termination of tenancy.

If a member does not have a Social Security Number they must sign a certification stating that they do not have one. The certification shall:

- state the individual's name,
- state that the individual has not been issued a Social Security Number;
- state that the individual will disclose the Social Security Number, if they obtain one at a later date;
- be signed and dated
- must supply social security number within 60 days

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS

Eligibility for admission and continued occupancy in public housing units is determined by the citizenship or eligible immigration status of household members. The following policy applies to admission and occupancy in all public housing units in WHA developments, and to public housing units in the HOPE VI Revitalization Program. It does not apply to admission and occupancy in the non-public housing units in the HOPE VI Revitalization Program.

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed". Such applicant families will be given notice that their income-based assistance (TTP) will be pro-rated and that they may request a hearing if they contest this determination. If such a family chooses flat rent, the flat rent will not be pro-rated if the flat rent is greater than the Public Housing Maximum Rent. If the Public Housing Maximum Rent is greater than the flat rent, and the family chooses flat rent, the flat rent will be pro-rated.

Non-eligible members

Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students defined by HUD in the noncitizen regulations are not eligible for assistance.

Lawful, non-citizen residents of the United States and its territories who are citizens of the Freely Associated States Under the Compacts of Free Association between the United States and the governments of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau are eligible as applicants for and recipients of federal housing assistance.

The WHA will establish and verify eligibility no later than the date of the family's annual reexamination following October 21, 1998.

E. OTHER ELIGIBILITY CRITERIA

All applicants will be processed in accordance with HUD's regulations and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below. All applicants must demonstrate through an assessment of current and past behavior the ability:

- to pay rent and other charges as required by the lease in a timely manner;
- to care for and avoid damaging the unit and common areas;
- to use facilities, appliances and equipment in a reasonable way;
- to create no health or safety hazards, and to report maintenance needs in a timely manner;
- not to interfere with the rights and peaceful enjoyment of other residents, employees of the WHA, or the operation of the development, and to avoid damaging the property of others;
- not to engage in criminal activity, violent criminal activity, drug related criminal activity, illegal use of drugs, or a pattern of abuse of illegal drugs or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the WHA premises.
- to comply with necessary and reasonable rules and program requirements of HUD and the WHA; and,
- to comply with local health and safety codes.

Applicants will not qualify for admission if:

- Any household member has ever been convicted of manufacturing or producing methamphetamine, also known as "speed," on the premises of federally assisted housing;
- Any household member is subject to lifetime sex offender registration requirement under a State Sex offender registration program;
- Any household member has been evicted from federally assisted housing for drug-related criminal activity;

- Any household member is currently engaged in illegal use of drugs.

The WHA may, in its sole discretion, choose to admit the household if it is determined the evicted household member has successfully completed a supervised drug rehabilitation program approved by the WHA, or the circumstances leading to the eviction no longer exist, and the household otherwise qualifies for admission under this ACOP.

Denial of Admission for Previous Debts to This or Any Other PHA

Previous outstanding debts to this WHA or any PHA rental property resulting from a previous tenancy in the public housing or Section 8 program must be paid in full prior to admission. No Payment Agreement will be accepted. WHA will also take into consideration debts owed to private rental entities during prior tenancy.

Either spouse is responsible for the entire debt incurred as a previous tenant of public housing, if they currently reside together, or if the debt was incurred when the applicant occupied a unit with the debtor spouse. Children of the head or spouse who had incurred a debt to the WHA will not be held responsible for the parent's previous debt.

F. DENIAL OF ADMISSION FOR SUBSTANCE ABUSE, DRUG-RELATED CRIMINAL ACTIVITY AND OTHER CRIMINAL ACTIVITY

Purpose

The housing programs administered by the WHA are intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the WHA to fully endorse and implement a policy that is designed to:

- Help create and maintain a safe and drug-free community;
- Keep our program participants free from threats to their personal and family safety;
- Support parental efforts to instill values of personal responsibility and hard work;
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens; and
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

Administration

All screening procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or against other legally protected groups, and not to violate right to privacy. To the maximum extent possible, the WHA will involve other community and governmental entities in the promotion and enforcement of this policy.

HUD Definitions

"Drug-related criminal activity" is the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act, (21 U.S.C. sec. 802). Drug-related criminal activity means *on or off the premises, not just on or near the premises*.

"Covered person" means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control.

"Criminal activity" includes a history of any criminal activity involving acts of physical violence to persons or property or other criminal activity which would adversely affect the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the WHA.

"Drug" means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"Guest" for purposes of this Chapter, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Household" means the family and WHA-approved live-in aide.

"Other person under the tenant's control," for the purposes of the definition of "covered person," means that the person, although not a tenant, not a member of the tenant's household, or not staying as a guest (as defined above) in the unit is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

"Premises" means the building or complex or development in which the public housing dwelling unit is located, including common areas and grounds.

"Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Screening for Drug Abuse and Other Criminal Activity

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the WHA will endeavor to screen applicants as thoroughly and fairly as possible.

Initial screening will be limited to routine inquiries of the family and any other information provided to the WHA regarding this matter. The inquiries will be standardized and directed to all

applicants by inclusion in the application form. If as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal activity, criminal activity, violent criminal activity, or behavior that would pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the WHA will conduct closer inquiry to determine whether the family should be denied admission.

If the screening indicates that any family member has been arrested or convicted within the prior seven years for drug-related or violent criminal activity, the WHA shall obtain verification through police/court records.

Use of FBI and Law Enforcement Records

The WHA will require each adult member of the household to sign a consent form authorizing the WHA to check criminal history for all adults in the household to determine whether any member of the family has engaged in violent criminal activity, criminal activity or drug-related criminal activity. The WHA will check criminal history for all adults in the household to determine whether any member of the family is subject to a lifetime sex offender registration requirement. Verification of any past activity will be done prior to final eligibility and will include a check of conviction records.

The WHA has contracted with the City of Wheeling Police Department, an FBI approved channeling agent, to process and funnel requests in order to obtain National Crime Information Center (NCIC) data for the purpose of accessing FBI criminal records.

The WHA will request a fingerprint card from the applicant in any case where screening procedures indicate a past criminal history, whether or not the applicant indicates a prior criminal history on the application.

Information from Drug Abuse Treatment Facilities

The WHA will seek information from drug abuse treatment facilities to determine whether to prohibit admission of a household or household member because of current illegal use of drugs. The WHA will request signed consent forms from each head of household and each adult household member:

- Whose criminal record indicates prior arrest or conviction for any criminal activity that may be a basis for denial of admission;
- Whose application or prior tenancy records indicate that the household member engaged in destruction of property;
- Whose application or prior tenancy records indicate that the household member engaged in violent activity against another person; or
- Whose application or prior tenancy records indicate that the household member interfered with the right to peaceful enjoyment of the premises by other residents.

The WHA will use the form of written consent required by 24 C.F.R. §2.31. The form will ask only whether the substance abuse facility has reasonable cause to believe that the household member is currently engaged in illegal drug use or abuse of alcohol. The consent form will expire automatically after the WHA has made a final decision to either approve or deny admission of the household member. Any information received from a drug abuse treatment facility under this section of the ACOP will be maintained confidentially in accordance with the provisions of section 543 of the Public Health Service Act, and will not be misused or improperly disseminated. Information obtained under this section of the ACOP will be destroyed not later than the later of:

- Five business days after the final decision to admit the household member;
- The date on which the statute of limitations expires for the commencement of a civil action based on the denial of admission; or
- The final disposition of any grievance or court review of the WHA decision, as applicable.

Nothing in this section of the ACOP shall limit the WHA's ability to request information from substance abuse facilities for any other purpose.

Previous Eviction from Federally Assisted Housing

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to the Public Housing and the HOPE VI Revitalization Program for a seven year period beginning on the date of such eviction. The WHA may, in its sole discretion, admit the family if it is determined that:

- the household member who engaged in the activity has successfully completed a supervised drug rehabilitation program approved by the WHA; or
- the circumstances leading to the eviction no longer exist.

In choosing to admit a family with a past history of eviction for drug-related criminal activity, the WHA may require an applicant to exclude from occupancy any household member that participated in or was culpable for the activity. Completion of a supervised drug rehabilitation program must be verified, consistent with the provisions of Chapter 7.

Other Drug Related Criminal Activity, Criminal Activity, Violent Criminal Activity or Substance Abuse

No member of the applicant's family may have engaged in drug related criminal activity, criminal activity, or violent criminal activity within the past seven years.

The WHA will deny participation in the program to applicants where the WHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or is engaged in drug-related or other criminal activity. Participation will also be denied where the

WHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents. The WHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous twelve months.

"Engaged in or engaging in or recent history of" means any act within the past seven years by applicants or participants, household members, or guests which involved drug-related criminal activity, violent criminal activity, or other criminal activity, including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In the event that screening indicates a basis for denying admission to an applicant because of a history of drug related criminal activity, criminal activity, violent criminal activity or substance abuse, consideration will be given to mitigating circumstances, consistent with the provisions of this Chapter.

Denial of Admission for Production of Methamphetamine

The WHA will permanently deny admission to any household with a member that was convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds. The WHA will not waive this requirement.

Prohibition on Persons Subject to Lifetime Sex Offender Registration Requirement

The WHA will permanently deny admission to any household with a family member who is subject to a lifetime sex offender registration requirement. Applicants and/or their household members who have been convicted of criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender will be prohibited from participation in the public housing program. This provision will not be waived. The WHA shall perform necessary criminal history background checks in the State where the housing is located and in any other States where household members are known to have resided.

Other Criminal Activity

"Other criminal activity" means a history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents. For the purposes of this policy, this is construed to mean that a member of the current family has been convicted of any criminal or drug-related criminal activity within the past seven years.

HUD defines violent criminal activity as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member.

No family member may have engaged in or threatened abusive or violent behavior toward WHA personnel at any time.

No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last seven years.

Even if a person has served time in jail and has now been released on probation, that person cannot be admitted into public housing unless a year has passed since the completion of probation. If the only sentence was probation, a year must have elapsed, without incident, since completion of probation, in order to be considered eligible for public housing. A person who is released from jail with no probation requirement would have to operate on the outside for one year with no further evidence of the prohibited activities in order to be considered eligible for admission.

Evidence

Any action taken by the WHA to deny admission or admit any applicant family will be based upon the preponderance of the evidence.

"Preponderance of evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence is not determined by the number of witnesses, but by the greater weight of all evidence.

"Credible evidence" may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by WHA inspectors and/or investigators, and evidence gathered from the WHA Hotline. The WHA may pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

Criminal records obtained by the WHA will be used only for the purpose of screening applicants for admission to WHA programs, or for lease enforcement and eviction. The WHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished. Misuse of the above information by any employee will be grounds for termination of employment. Penalties for misuse are contained in the WHA Personnel Policy.

If the family is determined eligible for initial or continued assistance, the WHA's copy of the criminal report shall be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information shall be shredded immediately upon completion of the review or hearing procedures and a final decision has been made. The WHA will document in the family's file that the family was denied

admission or the tenancy was terminated due to findings in the Criminal History Report.

Disclosure of Criminal Records to Family

Before the WHA takes any adverse action based on a criminal conviction record, the applicant will be notified of the proposed action to be taken based on the information, and will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an informal hearing. Tenants may contest such records at the grievance hearing or court hearing in the case of evictions.

Hearings

(See Chapter titled "Complaints, Grievances and Appeals.")

If information is revealed that would cause the WHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the WHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

G. SCREENING FOR SUITABILITY

In developing its admission policies, the aim of the WHA is to attain a tenant body composed of families with a broad range of incomes and to avoid concentrations of the most economically deprived families and families with serious social problems. Therefore, it is the policy of the WHA to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance that they can demonstrate that they have or will have at the time of admission. (24 CFR 8.3, Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by the WHA.

The WHA does not permit a parent or legal guardian to co-sign the lease on the applicant's behalf if the head of household is under 18 and, under State/local law, does not have the legal capacity to enter into a legally binding contract

As a part of the final eligibility determination, the WHA will screen each applicant household to assess their suitability as renters.

The WHA shall rely upon sources of information which may include, but not be limited to, WHA records, personal interviews with the applicant or tenant, interviews with previous

landlords, employers, family social workers, parole officers, criminal and court records, clinics, physicians or the police department, and home visits for persons who have had negative landlord reference(s) for poor housekeeping habits.

This will be done in order to determine whether the individual attributes, prior conduct, and behavior of a particular applicant is likely to interfere with other tenants in such a manner as to diminish their enjoyment of the premises by adversely affecting their health, safety or welfare.

The WHA's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

- The applicant's past performance in meeting financial obligations, especially rent.
- Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
- Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
- Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
- Any history of initiating threats or behaving in a manner indicating an intent to assault employees or other tenants.
- Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.

The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the WHA. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing.

The history of applicant conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

- Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare.
- Adversely affect the physical environment or financial stability of the project.
- Violate the terms and conditions of the lease.

Credit Checks

The WHA will complete a credit check on all applicants. If an applicant is denied admission based on a credit check, the written notification of denial will include:

- A statement that the application was rejected because of the credit report;
- The name, address and telephone number of the credit reporting agency;
- A statement that the credit reporting agency did not make the decision to deny the application and is unable to provide the applicant with the reasons for the denial;
- A statement that the applicant is entitled to obtain a free copy of the credit report from the credit reporting agency within sixty days of the notice;
- A statement that the applicant has the right to examine the credit report; and
- A statement that the applicant has the right to dispute the accuracy of the credit report with the credit-reporting agency.

Rent Paying Habits

The WHA will examine any Housing Authority records from a prior tenancy, and will request written references from the applicant's current landlord and may request written references from former landlords for up to the past five years.

Based upon these verifications, the WHA will determine if the applicant was chronically late with rent payments, was evicted at any time during the past five years for nonpayment of rent, or had other legal action initiated against him/her for debts owed. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

The WHA will undertake a balancing test that will consider: (1) amount of former rent; (2) loss of employment; (3) death or divorce from primary support; (4) illness or other circumstances beyond applicant's control. Any of these circumstances could be grounds for an ineligibility determination, depending on the amount of control the applicant had over the situation.

The lack of credit history will not disqualify a family, but a poor credit history will, with the exceptions noted above.

Where past rent paying ability cannot be documented, the WHA will check with the utility company(s) to determine whether the family has been current and timely on their payments.

Screening Applicants Who Claim Mitigating Circumstances

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If unfavorable information is received about an applicant, consideration shall be given to the

time, nature, and extent of the applicant's conduct and to factors that might indicate a reasonable probability of favorable future conduct. In order to be factored into the WHA's screening assessment of the applicant, mitigating circumstances must be verifiable.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the WHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The WHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

Examples of Mitigating Circumstances

Examples of mitigating circumstances include:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the WHA;
- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The WHA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.

Qualified and Unqualified Applicants

Information that has been verified by the WHA will be analyzed and a determination will be made with respect to:

- The eligibility of the applicant as a *family*;
- The eligibility of the applicant with respect to income limits for admission;
- The eligibility of the applicant with respect to citizenship or eligible immigration *status*;

Assistance to a family may not be delayed, denied or terminated on the basis of the family's ineligible immigration status unless and until the family completes all the verification and appeals processes to which they are entitled under both INS and WHA procedures, except for a pending WHA hearing.

Applicants who are determined to be unqualified for admission will be promptly notified with a Notice of Denial of Admission stating the reason for the denial. The WHA shall provide applicants an opportunity for an informal hearing (see Chapter titled "Complaints, Grievances, and Appeals").

The WHA will make every effort to accurately estimate an approximate date of occupancy. However, the date given by the WHA does not mean that applicants should expect to be housed by that date. The availability of a suitable unit to offer a family is contingent upon factors not directly controlled by the WHA, such as turnover rates, and market demands as they affect bedroom sizes and project location.

Documenting Findings

An authorized representative of the WHA shall document any pertinent information received relative to the following:

- Criminal Activity - includes the activities listed in the definition of criminal activity in this Chapter.
- Pattern of Violent Behavior - includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.
- Pattern of Drug Use - includes a determination by the WHA that the applicant has exhibited a pattern of illegal use of a controlled substance which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Drug-Related Criminal Activity - includes a determination by the WHA that the applicant has been involved in the illegal manufacture, sale, distribution, use or possession of a controlled substance.
- Pattern of Alcohol Abuse - includes a determination by the WHA that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.
- Initiating Threats - or behaving in a manner indicating an intent to assault employees or other tenants.
- Non-Payment of Rightful Obligations - including rent and/or utilities and other charges owed to the WHA, or any other WHA.
- Intentionally Falsifying an Application for Leasing - including uttering or otherwise providing false information about family income and size, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.
- Record of Serious Disturbances of Neighbors, Destruction of Property or Other

Disruptive or Dangerous Behavior - consists of patterns of behavior which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility; which damage the equipment or premises in which the applicant resides, or which are seriously disturbing to neighbors or disrupt sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

- Grossly Unsanitary or Hazardous Housekeeping - includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials; severe damages to premises and equipment, if it is established that the family is responsible for the condition; seriously affecting neighbors by causing infestation, foul odors, depositing garbage in halls; or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.
- Destruction of Property from previous rentals.

Prohibited Criteria for Denial of Admission

Applicants will NOT be rejected because they:

- Have no income;
- Are not employed;
- Do not participate in a job training program;
- Will not apply for various welfare or benefit programs;
- Have children;
- Have children born out of wedlock;
- Are on welfare;
- Are students, except that no household shall be eligible for admission to the HOPE VI Revitalization program if the household consists entirely of full-time students, and the household does not also meet the student exceptions described in Chapter 16.

H. HEARINGS

If information is revealed that would cause the WHA to deny admission to the household and the person disputes the information, s/he shall be given an opportunity for an informal hearing according to the WHA's hearing procedures outlined in the Chapter on Complaints, Grievances and Appeals.

Chapter 3

APPLYING FOR ADMISSION

INTRODUCTION

The policy of the WHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the WHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy.

A. HOW TO APPLY

Families who wish to apply for any of the WHA's programs must complete a written application form when application taking is open. Applications will be made available in an accessible format upon request from a person with a disability. Applications will be accepted at the Main Office, any complex office, or through the mail, except that applications will be accepted only at the site office for the HOPE VI Revitalization Program. Upon submission, all applications will be stamped with the date and time of receipt.

B. COMPLETION OF A FULL APPLICATION

The application will contain questions designed to obtain the following information:

- Names of head and spouse
- Names of adult members and age of all members
- Number of family members (used to estimate bedroom size needed)
- Street address and phone numbers
- Mailing address (if PO Box or other permanent address)
- Annual income
- Source(s) of income received by household members to determine preference qualification
- Sufficient additional information to determine preference qualification
- Information regarding request for reasonable accommodation or for accessible unit
- Social Security Numbers
- Race/ethnicity
- Arrests and Convictions for Drug Related Criminal Activity, Criminal Activity, or Violent Criminal Activity
- Previous addresses
- Names and addresses of current and previous landlords
- Emergency contact person and address
- Questions regarding previous participation in HUD programs

All adult members, and head of household and spouse regardless of age, must sign a consent form authorizing the WHA to obtain criminal records, and must sign form HUD-9886, "Release of Information," the declarations and consents related to citizenship/immigration status and any other documents required by the WHA. Applicants will be required to sign specific verification forms for information that is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certifications and releases as required by the WHA.

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to eligibility and rent calculation.

If the WHA determines that additional information or document(s) are needed, the WHA will request the document(s) or information in writing. The family will be given ten working days to supply the information.

If the information is not supplied in this time period, the WHA will provide the family a notification of denial for assistance. (See Chapter on Complaints, Grievances and Appeals.)

C. PROCESSING APPLICATIONS

As families approach the top of the waiting list, the following items will be verified to determine qualification for admission to the WHA's housing:

- Family composition and type (elderly/non elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Annual Income
- Social Security Numbers of all family members
- Citizenship or eligible immigration status
- Criminal History Report
- Credit Report
- Information from drug abuse facilities
- Any other information used in applicant screening

D. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY

After the verification process is completed, the WHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the WHA, and the tenant suitability determination (see Chapter on Eligibility for Admission). Any applicant determined to be ineligible for admission may request an informal

hearing, as provided in Chapter 13 of the ACOP.

Because HUD can make changes in rules or regulations and family circumstances may have changed during the review process that affect an applicant's eligibility, it is necessary to make final eligibility determination.

The household is not actually eligible for a unit offer until this final determination has been made, even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

Chapter 4

TENANT SELECTION AND ASSIGNMENT PLAN

INTRODUCTION

It is the WHA's policy that each applicant shall be assigned an appropriate place on the waiting list for the project(s) in which the applicant wishes to reside. Applicants will be listed in sequence based upon:

- Local preference, Involuntary Displacement due to Domestic Violence
- date and time the application is received,
- the size and type of unit they require,
- the site in which they wish to reside

In filling an actual or expected vacancy, the WHA will offer the dwelling unit to an applicant in the appropriate sequence. The WHA will offer the unit until it is accepted. This Chapter describes the WHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

WHA policies will be followed consistently and will affirmatively further HUD's fair housing goals. It is the WHA's objective to ensure that families are placed in the proper order on the waiting list so that the offer of a unit is not delayed to any family unnecessarily or made to any family prematurely. This chapter explains the policies for the management of the waiting list.

By maintaining an accurate waiting list, the WHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the WHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.

A. MANAGEMENT OF THE WAITING LIST

The WHA will administer its waiting list as required by 24 CFR Part 5, Part 945 and Part 960, Subparts A and B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent file.
- All applicants in the pool will be maintained in order of date and time of application receipt. All applicants must meet applicable income eligibility requirements as established by HUD.

Opening and Closing the Waiting Lists

The WHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of the WHA to house an applicant in an appropriate unit within a reasonable period of time.

When the WHA opens the waiting list, the WHA will advertise through the Wheeling News Register and Intelligencer. To reach persons with disabilities, the WHA will provide separate notice to local organizations representing the interests and needs of the disabled. The notice will contain:

- The dates, times, and the locations where families may apply.
- Any system of site-based waiting list offered by the WHA.
- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the WHA address and telephone number, how to submit an application, information on eligibility requirements.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

When Application Taking is Suspended

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws. During the period when the waiting list is closed, the WHA will not maintain a list of individuals who wish to be notified when the waiting list is open. Suspension of application taking is announced in the same way as opening the waiting list.

The WHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the WHA will advise families of their responsibility to notify the WHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the WHA decides to open the waiting list, the WHA will publicly announce the opening. Any reopening of the list is done in accordance with the HUD

requirements.

Limits on Who May Apply

When the waiting list is open, any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application. When the application is submitted to the WHA it establishes the family's date and time of application for placement order on the waiting list.

Multiple Families in Same Household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

B. SITE BASED WAITING LISTS

The WHA offers a system of site-based waiting lists. Applicants may choose on which site-based waiting list they wish to be placed, regardless of the application site. Applicants may apply directly at or otherwise designate the project or projects in which they seek to reside.

Every reasonable action will be taken by the WHA to assure that applicants can make informed choices regarding the project(s) in which they wish to reside. The WHA will disclose information to applicants regarding the location of available sites, occupancy number and size of accessible units. The WHA will also include basic information relative to amenities such as day care, security, transportation, training programs, and an estimate of the period of time the applicant will likely have to wait to be admitted to units of different types.

Monitoring Site-Based Waiting Lists. The system of site-based waiting lists will be carefully monitored to assure that civil rights and fair housing are affirmatively furthered. The WHA's adoption of site-based waiting lists is not in violation of any court order or settlement agreement, and is not inconsistent with any pending complaint brought by HUD.

The WHA will monitor its system of site-based waiting lists at least every three years to assure that racial steering does not occur. If the WHA's analysis of its site-based waiting list indicates that a pattern of racial steering is or may be occurring, the WHA will take corrective action.

The WHA will assess changes in racial, ethnic or disability-related tenant composition at each WHA site that has occurred during the implementation of the site-based waiting lists. The WHA will make this assessment based on PIC data that has been confirmed to be complete and accurate by an independent audit. This independent audit may be the WHA's annual independent audit.

The WHA has established site-based waiting lists for all of its properties.

Single applicants will be treated as any other eligible family on the WHA waiting list.

C. LOCAL PREFERENCE

Among applicants with equal status, each site's waiting list will be organized by date and time, within any local preference group. Currently, for the public housing units in the WHA's Public Housing Program, the only WHA local preference is Domestic Violence, documented by local law officials and/ or shelter facilities designed to house battered individuals. The WHA uses additional selection preferences based upon income in considering admission to the public housing and non-public housing tax credit units in the HOPE VI Revitalization Program. Selection preferences in the HOPE VI Revitalization Program are described in Chapter 16.

D. UNITS DESIGNATED FOR THE ELDERLY

In accordance with the 1992 Housing Act, elderly families with a head, spouse or sole member at least 62 years of age will receive a preference for admission to such units or buildings covered by a HUD-approved Designated Housing Plan, except for the units which are accessible, which may be offered to persons with disabilities.

When there are no elderly applicants from other sites interested in the elderly-designated development, after conducting outreach, near-elderly applicants who are 50-61 years of age can be admitted to the elderly-designated development. If there are no near-elderly applicants on the list, the development housing management staff will contact near-elderly applicants on other development lists to determine interest and add to their list, if applicable.

E. PROMOTION OF INTEGRATION

Beyond the basic requirement of nondiscrimination, WHA shall affirmatively further fair housing to reduce racial and national origin concentrations. The WHA shall not require any specific income or racial quotas for any development or developments. The WHA shall not assign persons to a particular section of a community or to a development or building based on race, color, religion, sex, disability, familial status or national origin for purposes of segregating populations.

F. OFFER OF PLACEMENT ON THE HOUSING CHOICE VOUCHER WAITING LIST

The WHA will offer applicants the opportunity to be placed on the public housing, HOPE VI Revitalization, and the Housing Choice Voucher programs.

G. REMOVAL FROM WAITING LIST AND PURGING

The waiting list will be purged at least annually by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

If an applicant fails to respond within thirty calendar days s/he will be removed from the waiting list. If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless a person with a disability requests a reasonable accommodation for being unable to reply within the proscribed period.

H. OFFER OF ACCESSIBLE UNITS

The WHA has units designed for persons with mobility, sight and hearing impairments, referred to as accessible units. No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered. Before offering a vacant accessible unit to a non-disabled applicant, the WHA will offer such units:

- First, to a current occupant of another unit of the same development, or other public housing developments under the WHA's control, who has a disability that requires the special features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible/adaptable unit to a non-disabled applicant, the WHA will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

See "Leasing" chapter.

I. PLAN FOR UNIT OFFERS

The WHA plan for selection of applicants and assignment of dwelling units to assure equal opportunity and non-discrimination on grounds of race, color, sex, religion, or national origin is to offer the first qualified applicant in sequence on the waiting list a unit of the appropriate size, taking into account any local selection preferences.

The WHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

J. CHANGES PRIOR TO UNIT OFFER

Changes that occur during the period between removal from the waiting list and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable (See Chapter on Complaints, Grievances, and Appeals)

K. APPLICANT STATUS AFTER FINAL UNIT OFFER

When an applicant rejects the final unit offer the WHA will place the applicant's name on the bottom of the waiting list.

L. TIME-LIMIT FOR ACCEPTANCE OF UNIT

Applicants must accept a unit offer within ten working days of the date the offer is made. Offers made over the telephone will be confirmed by letter. If unable to contact an applicant by telephone, the WHA will send a letter.

Applicants Unable to Take Occupancy

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "*good cause*," the applicant will not be placed at the bottom of the waiting list. Examples of "*good cause*" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.
- The family demonstrates to the WHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause. A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit is inappropriate for the applicant's disabilities.

Applicants With a Change in Family Size or Status.

Changes in family composition, status, or income between the time of the interview and the offer of a unit will be processed. The WHA shall not lease a unit to a family whose occupancy will overcrowd the unit.

M. REFUSAL OF OFFER

If the unit offered is inappropriate for the applicant's disabilities, the family will retain their position on the waiting list.

Chapter 5

OCCUPANCY GUIDELINES

INTRODUCTION

The Occupancy Guidelines are established by the WHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

A. DETERMINING UNIT SIZE

The WHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The WHA's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older or an emancipated minor.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that the WHA will assign one bedroom to two people within the following guidelines:

- Adults of different generations, persons of the opposite sex (other than spouses and children under two), and unrelated adults will not be required to share a bedroom.
- Foster children will be included in determining unit size only if they will be in the unit for more than 12 months.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member who will be absent most of the time, such as a member who is away on permanent active duty in the military.
- Single person families shall be allocated efficiency bedroom.

The living room will not be used as a bedroom except for purposes of reasonable accommodation.

GUIDELINES FOR DETERMINING BEDROOM SIZE

Bedroom Size	Persons in Household: (Minimum #)	Persons in Household: (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

B. EXCEPTIONS TO OCCUPANCY STANDARDS

General Provisions

The WHA will grant exceptions from the guidelines in cases where it is the family's request or the WHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

- Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until their family composition changes.
- The WHA may offer a family a unit that is larger than required by the WHA's occupancy standards, if the waiting list is short of families large enough to fill the vacancy; provided that the household must agree in the lease to move to a smaller unit of an appropriate size, if a family that needs the larger unit applies and qualifies for admission.
- The family may request to be placed on a larger bedroom size waiting list than indicated by the WHA's occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by the WHA before the family is placed on the larger bedroom size list.
- The WHA will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified.

Health Considerations

Circumstances may dictate a larger size than the occupancy standards permit when:

- Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. Requests for a larger bedroom due to medical equipment must be verified by a doctor.
- Requests based on health related reasons must be verified by a knowledgeable licensed professional.

Family Considerations

The WHA will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

All members of the family residing in the unit must be approved by the WHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the WHA within ten calendar days.

To avoid vacancies, the WHA may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit under the WHA's ownership or control when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

C. ACCESSIBLE UNITS

The WHA maintains accessible dwelling units designed for persons with mobility, sight and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications. Preference for occupancy of these units will be offered first to families with disabled persons who need the features of a modified unit and who live in other units under the WHA's ownership or control, and then to applicant families on the waiting list with disabled family members who require the modifications or facilities provided in the units.

Accessible units may be offered and accepted by non-mobility impaired applicants only if there are no other families with household members who need the features of a modified unit. In such circumstances, the terms of the applicant's lease will provide that such applicants must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requiring the unit applies for housing and is determined eligible.

D. FAMILY MOVES

When a change in the circumstances of a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List. A family move to another unit will be approved based upon the standards described in Chapter 8, *Transfers*.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently

covered in this policy, the case should be taken to the manager who will make determination after review of the situation, the individual circumstances, and the verification provided.

Chapter 6

DETERMINATION OF TOTAL TENANT PAYMENT

INTRODUCTION

The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the regulations.

This Chapter defines the amount of rent to be paid, the allowable deductions from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP) in the public housing units in the WHA's Public Housing Program and HOPE VI Revitalization Program. It does not apply to the determination of rent payments in the non-public housing tax credit units in the HOPE VI Revitalization Program. Rent policies in the non-public housing tax credit units in the HOPE VI Revitalization Program are described in Chapter 16.

For public housing units, income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F, 24 CFR Part 960, Subpart C, and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The family shall be given the choice of paying the appropriate flat rent (set by the WHA per unit size and location) or paying the amount resulting from the application of the rent formula.

A. MINIMUM RENT

The minimum rent for the WHA is \$0. The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent. The Total Tenant Payment is the greater of:

- 30% of the adjusted monthly income
- 10% of the monthly income
- The Minimum rent as established by the WHA, or
- The Flat Rent, if selected by the family

The Total Tenant Payment does not include charges for excess utility consumption or other charges.

B. INCOME AND ALLOWANCES

Definitions of Income

- Income: The types of money that are to be used as income for purposes of calculating the

TTP are defined by HUD in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms of this policy.)

- Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. **Adjusted Income** is defined as the Annual income minus any HUD allowable or WHA permissive deductions.
- Adjusted Monthly Income is defined as one-twelfth (1/12) of Adjusted Income.

Permissive Deductions

The WHA offers the following permissive deductions:

- **Child Support Payment Deduction:** A deduction for amounts paid for support of a child, mandated by a Court Order, will be a deduction in determining adjusted income after verification. In no event may the amount to be deducted exceed the earned income of the individual responsible for payment or exceed the amount specified to be paid in a Court Order.
- **Spousal Support Payment Deduction:** A deduction for amount paid for spousal support, mandated by a Court Order, will be a deduction in determining adjusted income. In no event may the amount to be deducted exceed the earned income of the individual responsible for payment or exceed the amount specified to be paid in a Court Order.
- Non-reimbursed medical expenses of all family members for all household types.

Allowable Deductions

HUD has five allowable deductions from Annual Income:

- **Dependent allowance:** \$480 each for family members (other than the head or spouse), who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- **"Elderly" allowance:** \$400 per household for families whose head or spouse is 62 or over or disabled.
- Allowable medical expenses for all family members are deducted for elderly and disabled families.
- Childcare expenses for children under 13 are deducted when childcare is necessary to allow an adult family member to work, actively seek work, or attend school (including

vocational training).

- Expenses for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.

C. TRAINING INCOME EXCLUSIONS

The WHA believes that training income exclusions are an important factor in helping public housing participants move from welfare and dependence to greater self-sufficiency. In order to be eligible for the exclusion the resident must actually receive training under the provisions of the program. For purposes of this exclusion, it is not enough for the resident to merely be enrolled.

Exclusion of Income Resulting from Participation in State and Local Training Programs

The first type of training program has features that allow the training income of assisted housing residents to be excluded only while the resident is actively enrolled in a state and local training program, including a training program not affiliated with local government.

A qualifying training program is defined as one with goals and objectives designed to lead to a higher level of proficiency, and one which enhances the individual's ability to obtain employment. The training program may have performance standards to measure proficiency. Training may include, but is not limited to:

- Classroom training in a specific occupational skill;
- On-the-job training with wages subsidized by the program, or
- Basic education.

For this purpose Annual Income does not include incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs, including a training program not affiliated with local government.

Training Programs Authorized and Funded Under Federal, State or Local Law Income

This training program is specific to public housing residents only and the regulation requires it to include specific features. This training program offers public housing residents the exclusion of incremental income while in the training program and for 18 months following the start of their first job. The WHA will determine that this training program has all five components required by HUD. It must:

- be a program providing employment training and supportive services;
- be authorized by a Federal, State or local law;
- be funded by the Federal, State or local government;
- be operated or administered by a public agency; and

- have as its objective to assist participants in acquiring employment skills.

A qualifying job-training program may be one that is established by the government but implemented by a private company for and on behalf of the government. In addition, to qualify as a 5.609 (c)(13) program, the employment training program must offer the resident at least one of the following supportive services:

- child care;
- transportation;
- personal welfare counseling (family/parental development counseling, parenting skills training for adult and teenage parents, substance/alcohol abuse treatment and counseling, self-development counseling);
- health care services (including outreach and referrals);
- youth leadership skills; youth mentoring.

For purposes of the 5.609 (c) (13) exclusion and public housing particularly, Annual Income does not include incremental earnings and benefits resulting to any family member from participation in a program providing employment training and supportive services in accordance with the Family Support Act or any comparable Federal, State, or local law during the exclusion period.

Exclusion Period

The exclusion period is defined as 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, provided the training program is not funded by public housing assistance under the 1937 Housing Act.

Where applicable, the 18-month exclusion period runs continuously from the date the first job begins. If the resident switches to a second job during the 18-month period the exclusion continues. If the resident has a break in employment during the 18-month exclusion, any other income the person has during the break will be counted.

A person admitted into public housing after the completion of a qualifying employment-training program, and who began employment while still an applicant and before coming into public housing, is entitled to the 18-month exclusion beginning with the date he/she became employed until the remainder of the 18 months. If the family member is terminated from employment with good cause, the exclusion period shall end.

Components Applicable to All Training Programs

In either program (24 CFR 5.609 (c) (8)(v) and (c) (13)) and at all times the income to be excluded is the incremental income only.

"Incremental income" is defined by HUD as the increase between the total amount of welfare and earnings of a family member *prior* to enrollment in the training program and welfare and earnings of the family member *after* enrollment in the training program.

All other amounts, (such as child support and alimony), are treated in the usual manner in determining annual income. Child support, or other income that is not *earnings or benefits*, is not a factor and will not be considered in regard to training income exclusions, regardless of whether they have increased or decreased.

Who is Eligible for the Exclusion

Any member of the resident's family is eligible for the exclusion, provided the individual is enrolled in the qualifying employment-training program.

If a family has members who enroll in training programs at different times, the exclusion may be taken at different periods. The rules will be applied individually to each member based on which type of program they are enrolled in.

Verification

Upon verification, residents who are actively enrolled in a qualifying training program will have the incremental income from the training program excluded from their annual income.

Employment Before Completion of Training Program

A resident who has substantially completed a training program in order to accept a job offer will be eligible for the 18-month exclusion of income.

"Substantial completion" of a training program will be completion of 75% of the program.

If a resident has completed that portion of the training program necessary to get a job and continues simultaneously with the training program, the 18-month exclusion period will begin on the date the resident started the new job, not the date they complete the training program. The resident is not required to get a job that is directly related to the training program to be eligible for the exclusion.

Other Factors to Be Considered

The 18-month exclusion also applies to residents with an FSS escrow account. A decrease in attributable income may mean that the FSS escrow account deposits would be decreased or eliminated for a period of time.

For self-employed residents, the WHA will exclude only the net income of a resident when factoring the earnings.

If a resident has no income the day they enter a training program, but has a history of employment in the past, the WHA will review the resident's wages for the past 18 months and average the income. That averaged income will become the resident's base amount for

determining incremental earnings. Exception: If the resident has no income and enrolls in a welfare program which requires participants to be enrolled in a job-training program, the base pay for that resident will be zero.

If more than six months go by before the resident starts their first job, the earnings from that job will be counted in full.

The resident is required to notify the WHA within 10 working days of enrolling in a qualifying training program.

Residents who have a decrease in income as a result of enrolling in a training program may request an interim examination. The WHA will determine the decrease in incremental income as a result of the training program and adjust the resident's rent accordingly.

Residents who do not notify the WHA within 10 working days of starting a training program, and have a decrease in income, will not have their rent adjusted retroactively.

Exclusions Based on Participation in Other Programs

A family may qualify for an exclusion from income based on participation in other employment, work readiness or training programs, including:

- The full amount of student financial assistance paid directly to the student or the educational institution.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received under HUD funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments and childcare vouchers for the duration of the training.
- Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).
- Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and childcare, to allow participation in a specific program.
- Amount received as a Resident services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the WHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as the resident member of the WHA governing Board. No resident may receive more than one such stipend during the same

period of time.

D. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS

For purposes of calculating TTP and determining ongoing financial eligibility for public housing units, the annual income for qualified families may not be increased as a result of increases in earned income beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that occupies a dwelling unit in a public housing project, is paying income-based rent; and

- Whose annual income increases as a result of employment of a family member who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least \$500. The amount of TANF received in the six-month period includes monthly income and such benefits and services as one-time payments, wage subsidies and transportation assistance.

The HUD definition of previously unemployed includes a person who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage established by law in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant for work (such as substance abuse or mental health treatment), or other work activities.

Amounts to be excluded are any increases in annual income attributable to employment over the prior income of the family member with the increased income.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member. The incremental increase in income is calculated by comparing the amount of the family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income.

Initial Twelve-Month Exclusion:

During the cumulative 12-month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA will exclude from annual income any increase in income of the family member as a result of employment over the prior income of that family member.

Second Twelve-Month Phase-in Exclusion:

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the WHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four-Year Disallowance:

The earned income disallowance is limited to a lifetime 48-month period for each family member. For each family member, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12-month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Applicability to 18-month Training Income Exclusions

If a tenant meets the criteria for the mandatory earned income disallowance as outlined in 24 CFR 960.255, the WHA shall not deny a tenant the disallowance based on receipt of the earlier 18-month exclusion.

Applicability to Child Care and Disability Assistance Expense Deductions:

The amount deducted for childcare and disability assistance expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for childcare and disability assistance expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the change in rent. Such documentation will

include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative 12-month period of exclusion (if any)
- Date the family member has received a total of 12 months of the initial exclusion
- Date the 12-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)
- Date the family member has received a total of 12 months of the phase-in exclusion
- Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance).

The WHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Inapplicability to Admission

The earned income disallowance is only applied to determine the annual income of families residing in public housing, and therefore does not apply for purposes of admission (including the determination of income eligibility or any income targeting that may be applicable).

F. WAGES FROM EMPLOYMENT WITH THE WHA OR RESIDENT ORGANIZATION

Upon employment with the WHA or officially recognized Resident Organization, the full amount of employment income received by the person is counted. There is no exclusion of income for wages funded under the 1937 Housing Act Programs, which includes public housing and Section 8.

G. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the WHA will annualize current income and conduct an interim reexamination if income changes. If there are bonuses or overtime which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used. Income from the previous year may be analyzed to determine the amount to anticipate when third-party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used depends on the regularity, source and type of income.

H. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 90 calendar days. Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

I. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the WHA will calculate the Total Tenant Payment by excluding the income and deductions of the member and assigning an appropriate unit size to the remaining family member. If an absence is due to a temporary confinement, the family member's current actual income would be used in the rent calculation so long as they are considered a current family member.

J. REGULAR CONTRIBUTIONS AND GIFTS

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every four months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than \$120 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter on "Verification Procedures," for further definition.)

If the family's expenses exceed their known income, the WHA will make inquiry of the family about contributions and gifts.

K. ALIMONY AND CHILD SUPPORT

Regular alimony and child support payments are counted as income for calculation of Total

Tenant Payment. If the amount of child support or alimony received is less than the amount awarded by the court, the WHA must use the amount awarded by the court unless the family can verify that they are not receiving the full amount. The WHA will accept as verification that the family is receiving an amount less than the award if the WHA receives verification from the agency responsible for enforcement or collection. It is the family's responsibility to supply a copy of the divorce decree.

L. LUMP-SUM RECEIPTS

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, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments (unemployment or welfare assistance) are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, the WHA will calculate retroactively or prospectively depending on the circumstances. However, the WHA will calculate retroactively if the receipt was not reported within the ten calendar day reporting time frame requirement.

Prospective Calculation Methodology

If the payment is reported on a timely basis, the calculation will be done prospectively and will result in an interim adjustment calculated and the entire lump-sum payment will be added to the annual income at the time of the interim reexamination.

Retroactive Calculation Methodology

The WHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer. The WHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the WHA. The family has the choice of paying this "retroactive" amount to the WHA in a lump sum. At the WHA's option, the WHA may enter into a Repayment Agreement with the family. The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

M. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS

Contributions to company retirement/pension funds are handled as follows:

- While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
- After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

N. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE

The WHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The WHA will count the difference between the market value and the actual payment received in calculating total assets. The difference will be included in calculating total assets for two years.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The WHA's minimum threshold for counting assets disposed of for less than Fair Market value is \$5,000. If the total value of assets disposed of within the two-year period is less than \$5,000, they will not be considered an asset.

O. CHILD CARE EXPENSES

Unreimbursed child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, actively seek work, attend school full time, or attend full-time vocational training. In the case of a child attending private school, only before or after-hours care can be counted as child care expenses.

If a tenant is eligible for the earned income disallowance, the amount of deduction for child care expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, the disregarded or excluded amounts cannot be used in determining the cap for the child care expense deduction.

Child care expenses cannot be allowed as a deduction if there is an adult household member capable of caring for the child who can provide the child care. Examples of those adult members who would be considered *unable* to care for the child include:

- The abuser in a documented child abuse situation, or
- A person with disabilities or older person unable to take care of a small child, as verified by a reliable knowledgeable source.

Child care expenses must be reasonable. Reasonable is determined by what the average child

care rates are in the WHA's jurisdiction. Allowability of deductions for child care expenses is based on the following guidelines:

- Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.
- Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school (including one hour travel time to and from school).

P. MEDICAL EXPENSES

Medical expenses (including prescriptions and health insurance premiums) may be claimed by submitting WHA supplied verification form(s) including total owed, total owed in the past twelve months, total paid in the past twelve months, and total expected to be paid monthly during the next twelve months. Nonprescription medicines must be prescribed by a doctor or licensed health professional in order to be considered a medical expense. Acupressure, acupuncture and related herbal medicines will not be considered allowable medical expenses. Chiropractic services will be considered allowable medical expenses. When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Q. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter titled "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated TTP Calculation for Mixed Families

Prorated assistance will be calculated by subtracting the Total Tenant Payment from the applicable Maximum Rent for the unit the family occupies to determine the Family Maximum Subsidy. The Maximum Rent for public housing units is based upon the 95th percentile rent of TTP for the public housing residents of the WHA, by unit size. The family's TTP will be calculated by:

- Dividing the Family Maximum Subsidy by the number of persons in the family to determine Member Maximum Subsidy.

- Multiplying the Member Maximum Subsidy by the number of eligible family members to determine Eligible Subsidy.
- Subtracting the amount of Eligible Subsidy from the applicable Maximum Rent for the unit the family occupies to get the family's Revised Total Tenant Payment.

R. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The WHA will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- Fraud in connection with the welfare program; or
- failure to participate in an economic self-sufficiency program, including noncompliance with a work activities requirement

However, the WHA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has complied with welfare agency economic self-sufficiency or work activities requirements but cannot or has not obtained employment; or
- A situation where a family member has not complied with other welfare agency requirements.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution. Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction. The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The WHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction. The welfare agency, at the request of the WHA, will inform the WHA of:

- amount and term of specified welfare benefit reduction for the family;
- reason for the reduction; and

- subsequent changes in term or amount of reduction.

Cooperation Agreements

The WHA has a written cooperation agreement in place with the local welfare agency that assists the WHA in obtaining the necessary information regarding welfare sanctions. The WHA has taken a proactive approach to culminating an effective working relationship between the WHA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents. The WHA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

S. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS FOR RESIDENT PAID UTILITIES

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a Utility Allowance will be deducted from the total tenant payment. The Utility Allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost of reasonable consumption of utilities in an energy conservative household, *not* on a family's actual consumption.

Utility allowances will be reviewed on an annual basis and adjusted based on all changes in circumstances, including any conservation measures and changes in utility rates. The WHA shall revise its allowances for resident purchased utilities if there is a change of 10% or more in utility rates, including any fuel adjustments. The WHA may choose to revise its allowances for resident purchased utilities between annual utility allowance reviews in the event of other rate changes. Adjustments to resident payments in the Public Housing Program as a result of such changes will be retroactive to the first day of the month following the month in which the last rate change was effective. Adjustments to resident payments in the HOPE VI Revitalization Program will be effective the first day of the month 90 days after the change in the utility allowance.

When the Utility Allowance exceeds the family's Total Tenant Payment, the WHA will provide a Utility Reimbursement Payment for the family each month. The check will be made out directly to the tenant.

The following requirements apply to residents living in developments with resident-paid utilities or applicants being admitted to such developments:

- When the supplier of utilities offers a "budget" or level payment plan, it shall be suggested to the resident to pay his/her bills according to this plan. This protects the resident from large seasonal fluctuations in the cost of utilities and ensures adequate heat in the winter. If the family is receiving TANF, the WHA will encourage the family to consider a vendor payment plan for rent and utilities.

- When a resident makes application for utility service in his/her own name, he or she must sign a third party notification agreement so that the WHA will be notified if the resident fails to pay the utility bill.
- If a resident or applicant is unable to get utilities connected because of a previous balance owed to the utility company, the resident/applicant will not be permitted to move into a unit with resident paid utilities. This may mean that a current resident cannot transfer to a scattered site or that an applicant cannot be admitted to a unit with resident-paid utilities.
- Paying the utility bill is the resident's obligation under the lease. Failure to pay utilities is grounds for eviction.

Reimbursement of or allowances for utility bills in excess of the established Utility Allowance may be granted by the WHA on reasonable grounds, such as the special needs of elderly or disabled families, or special factors affecting utility usage not within the control of the family.

T. EXCESS UTILITY PAYMENTS

Residents in units where the WHA pays the utilities may be charged for excess utilities if additional appliances or equipment are used in the unit. This charge shall be applied as specified in the lease. Requests for waiver of excess utility payments may be granted by the WHA on reasonable grounds, such as the special needs of elderly or disabled families, or special factors affecting utility usage not within the control of the family.

U. FAMILY CHOICE IN RENTS

Authority for Family to Select

The WHA shall provide for each family residing in a public housing unit to elect annually whether the rent paid by such family shall be 1) determined based on family income or 2) the flat rent. The WHA may not at any time fail to provide both such rent options for any public housing unit owned, assisted or operated by the WHA.

Allowable Rent Structures

(a) Flat Rents

The WHA has established, for each dwelling unit in public housing except the public housing units in the HOPE VI Revitalization Program, a flat rent amount which:

- Is based on the rental value of the unit, as determined by the WHA; and
- Is designed so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The rental policy developed by the WHA encourages and rewards employment and self-sufficiency. The WHA's methodology used to establish flat rents is described in the WHA Plan. The WHA shall review the income of families paying flat rent not less than once every three years. Family composition will be reviewed annually for all families, including those paying flat rent.

Flat rent policies for the public housing units in the HOPE VI Revitalization Program, including the amount of the flat rent and procedures for reexamination of family composition and income, are described in Chapter 16 of the ACOP.

(b) Income-Based Rents

The monthly Total Tenant Payment amount for a family shall be an amount, as verified by the WHA, that does not exceed the greatest of the following amounts:

- 30 percent of the family's monthly adjusted income; or
- 10 percent of the family's monthly income; or
- The WHA/s Minimum TTP of \$0.

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay the WHA's flat rent, the WHA shall immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship, including:

- Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income or other assistance;
- An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; and
- Such other situations as may be determined by the WHA.

All hardship situations will be verified.

Once a family switches to income-based rent due to hardship, the family must wait until the next annual reexamination to elect whether to pay income-based rent or flat rent.

Annual Reexamination

At least 90 days in advance of the annual reexamination, the family will be sent a form from the WHA, on which the family will indicate whether they choose flat rent or income-based rent. The WHA form will state what the flat rent would be, and an estimate, based on current information, what the family's income-based rent would be.

- If the family indicates they choose flat rent, the family will fill out and return a WHA form to certify family composition. This form will be retained in the tenant file. The WHA will conduct a reexamination of family income at least once every three years for families that elect flat rents.
- If the family indicates they choose income-based rent, a reexamination appointment will be scheduled according to WHA policy.

Chapter 7

VERIFICATION PROCEDURES

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the WHA. Applicants and program tenants must furnish proof of their statements whenever required by the WHA, and the information they provide must be true and complete. The WHA's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains the WHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. Additional procedures must be followed for the public housing units in the HOPE VI Revitalization Program. These procedures are described in Chapter 16. The WHA will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

A. METHODS OF VERIFICATION AND TIME ALLOWED

The WHA will verify information through the four methods of verification acceptable to HUD in the following order:

- **Third-Party Written:** The WHA's first choice is a written third party verification to substantiate claims made by an applicant or resident.
- **Third-Party Oral:** The WHA may also use telephone verifications.
- **Review of Documents:** The WHA will review documents, when relevant, to substantiate the claim of an applicant or resident.
- **Family Certification:** A notarized family certification will be accepted when no other form of verification is available.

If third party verification is not received directly from the source, WHA staff will document the file as to why third party verification was impossible to obtain and another method was used (such as reviewing documents families provide.) (See Chapter on Applying for Admission.)

For applicants, verifications may not be more than 90 days old at the time of a unit offer. For tenants, they are valid for 120 days from date of receipt.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the WHA will compare the information to any documents provided by the Family. If provided by telephone, the WHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within two weeks, the WHA will utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form.

The WHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer printouts from the employer
- Signed letters (provided that the information is notarized or confirmed by phone)
- Other documents noted in this Chapter as acceptable verification

The WHA will accept faxed documents.

The WHA will accept photocopies.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the WHA will utilize the third party verification.

Self-certification/Self-declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit self-certification. Self certification means a notarized statement under penalty of perjury.

B. RELEASE OF INFORMATION

All adults, and head of house and spouse regardless of age, are required to sign HUD form 9886, Authorization for Release of Information/Privacy Act Notice. In addition, the family will be required to sign specific authorization forms when information is needed that is not covered by

the HUD form 9886. Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of tenancy because it is a family obligation under tenancy to supply any information requested by the WHA or HUD.

C. COMPUTER MATCHING

When the WHA receives notification from HUD that a family has been sent an income discrepancy letter, the WHA will:

- Wait 40 days after the date of notification before contacting tenant.
- After 40 days following the date of notification, the WHA will contact the tenant by [mail/telephone/mail and telephone/other] asking the family to promptly furnish any letter or other notice by HUD concerning the amount or verification of family income.

The WHA will fully document the contact in the tenant's file, including a copy of the letter to the family.

When the family provides the required information, the WHA will verify the accuracy of the income information received from the family, review the WHA's interim recertification policy, will identify unreported income, will charge retroactive rent as appropriate, and change the amount of rent or terminate assistance, as appropriate, based on the information.

If the amount of rent owed to the WHA exceeds \$1000, the WHA will seek to terminate assistance.

If tenant fails to respond to WHA

- The WHA will ask HUD to send a second letter.
- After an additional 40 days, the WHA will ask HUD to send a third letter.
- After an additional 40 days, the WHA will send a letter to the head of household, warning of the consequences if the family fails to contact the WHA within two weeks.

If tenant claims a letter from HUD was not received

- The WHA will ask HUD to send a second letter with a verified address for the tenant.
- After 40 days, the WHA will contact the tenant family. If the tenant family still claims they have not received a letter, the WHA will ask HUD to send a third letter.
- After an additional 40 days, the WHA will set up a meeting with the family to complete IRS forms 4506 and 8821.

- If the tenant family fails to meet with the WHA or will not sign the IRS forms, the WHA will send a warning letter to the head of household, notifying the family that termination proceedings will begin within one week if the tenant fails to meet with the WHA and/or sign forms.

If tenant does receive a discrepancy letter from HUD

- The WHA will set up a meeting with the family. If the family fails to attend the meeting, the WHA will reschedule the meeting.
- If the family fails to attend the second meeting, the WHA will send a termination warning.

The family must bring the original HUD discrepancy letter to the WHA.

If tenant disagrees with the Federal tax data contained in the HUD discrepancy letter

- The WHA will ask the tenant to provide documented proof that the tax data is incorrect.
- If the tenant does not provide documented proof, the WHA will obtain proof to verify the Federal tax data using third party verification.

D. ITEMS TO BE VERIFIED

- All income not specifically excluded by the regulations.
- Zero-income status of household.
- Zero income applicants and residents will be required to complete a family expense form at each certification or recertification interview.
- Full-time student status including High School students who are 18 or over.
- Current assets including assets disposed of for less than fair market value in preceding two years.
- Child care expense where it allows an adult family member to be employed, seek employment or to further his/her education.
- Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
- Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.
- Legal Identity

- U.S. citizenship/eligible immigrant status.
- Social Security Numbers for all family members 6 years of age or older or certification that a family member does not have a Social Security Number.
- Preference status, based upon WHA preferences.
- Familial status when needed for head or spouse definition.
- Disability for determination of preferences, allowances or deductions, assignment to accessible units, admission to units for disabled families, and reasonable accommodations.

E. VERIFICATION OF INCOME

This section defines the methods the WHA will use to verify various types of income.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include:

- Employment verification form completed by the employer.
- Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program tenants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the WHA will require the most recent federal income tax statements.

Where doubt regarding income exists, a referral to IRS for confirmation will be made on a case-by-case basis.

Social Security, Pensions, Supplemental Security Income (SSI), Disability Income

Acceptable methods of verification include:

- Benefit verification form completed by agency providing the benefits.
- Computer report electronically obtained or in hard copy.
- Award or benefit notification letters prepared and signed by the providing agency.

Unemployment Compensation

Acceptable methods of verification include:

- Computer report electronically obtained or in hard copy, stating payment dates and amounts
- Verification form completed by the unemployment compensation agency.

Welfare Payments or General Assistance

Acceptable methods of verification include:

- WHA verification form completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

Alimony or Child Support Payments

Acceptable methods of verification include:

- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement. The family will not be required to provide this verification or enforce child support obligations where documentation indicates that child support enforcement will result in a risk of physical or emotional harm to any household member, including the head and co-head of household, and any children.

Net Income from a Business

In order to verify the net income from a business, the WHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

- IRS Form 1040, including:
- Schedule C (Small Business)
- Schedule E (Rental Property Income)
- Schedule F (Farm Income)
- If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- Audited or unaudited financial statement(s) of the business.

Child Care Business

If an applicant/tenant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/tenant is operating a "cash and carry" operation (licensed or not), the WHA will require the applicant/tenant to complete a form for each customer giving: name of person(s) whose child(ren) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person. If the family has filed a tax return, the family will be required to provide it. If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a notarized statement that contains the following information:

- The person who provides the gifts
- The value of the gifts

- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, AFDC, or SSI, are not being received by the household. The WHA will request information from the State Employment Development Department. The WHA will request IRS information from the family. The WHA may check records of other departments in the jurisdiction (such as government utilities) that have information about income sources of customers.

Full-Time Student Status

Only the first \$480 of the earned income of full time students 18 years of age or older, other than head or spouse, will be counted towards family income. Financial aid, scholarships and grants received by full time students is not counted towards family income. Verification of full time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

Verification of Income Exclusions

The WHA will attempt third party verification of income exclusions wherever possible. When third party verification of income exclusions are not possible or practical, a review of documents or notarized self certification will be obtained. Exclusions from income that must be verified and reported on the 50058 include the following:

- Expenditures for business expansion.
- Amortization of capital indebtedness as deductions in determining net income of a business.
- Withdrawals of cash or assets from a professional or business operation if the withdrawal is a reimbursement for cash or assets invested in the operation by the family.
- Allowance for business asset depreciation, based on straight line depreciation, as provided in the Internal Revenue Service (IRS) regulations.
- Income from employment of children or foster children under 18 years old.
- Earnings in excess of \$480 for each full-time student 18 years old or older (excluding head or household and spouse).

- Earned income disallowance.
- Amounts earned by temporary Census employees; terms of employment may not exceed 180 days for the purposes of the exclusion.
- Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by the resident for performing a service for the WHA, on a part-time basis, that enhances the quality of life in the development.
- Stipends to reimburse residents for expenses for serving as members of the WHA governing board or commission.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- The full amount of military pay of any family member other than the head and spouse. If other family members are away from home in the military, the WHA may remove their name from the lease and exclude their income.
- Other military pay specifically excluded by law (e.g. Desert Storm active duty).
- Income of a live-in aide.
- Earnings and benefits from employment training programs funded by HUD.
- Reimbursement for out-of-pocket expenses while attending a public assisted training program.
- Incremental earnings and benefits from participation in qualifying state and local employment programs.
- Payments to volunteers under the Domestic Volunteer Services Act.
- Payments received under programs funded in whole or in part under the Workforce Investment Act (WIA) (formerly known as the Job Training Partnership Act (JTPA)).
- Earnings and benefits to any family member from an employment training and supportive services program during the exclusion period.
- 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.
- Food stamps.
- Annual Imputed Welfare Income if the family was not an assisted resident at the time of sanction.

- Non-recurrent, short-term benefits under TANF assistance that:
 - Are designed to deal with a specific crisis situation or episode of need;
 - Are not intended to meet recurrent or ongoing needs; and
 - Will not extend beyond four months.
- Work subsidies under TANF assistance (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training).
- Supportive services under TANF assistance such as child care and transportation provided to families who are employed.
- Refundable earned income tax credits.
- Individual Development Accounts under TANF.
- Services provided under TANF assistance such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support.
- Transportation benefits under TANF assistance provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.
- Lump-sum pension benefits payable as a death benefit.
- Deferred periodic amounts from SSI benefits that the family member received in a lump sum amount or in prospective monthly amounts.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- Deferred periodic amounts from Social Security benefits that the family member received in a lump sum amount or in prospective monthly amounts.
- Child care arranged or provided under the Child Care and Development Block Grant Act.
- Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
- Payments received under the Alaska Native Claims Settlement Act.
- Income derived from certain sub-marginal land or the United States that is held in trust

for certain Indian tribes.

- Income derived from the disposition of funds of the Grand River Band of Ottawa Indians.
- The first \$2000 of per capita shares from judgment funds awarded by Indian Claims.
- Payments received under the Maine Indian Claims Settlement Act of 1980.
- Payments received by Indian Claims Commission to the Confederate Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation.
- The first \$2000 of income received by individual Indians derived from interests or trust or restricted land.
- 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).
- 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.
- Full amount of student financial assistance and paid directly to the student or to the educational institution.
- Temporary, nonrecurring or sporadic income (including gifts).
- 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.
- Adoption assistance payments in excess of \$480 per adopted child.
- Refunds or rebates under state or local law for property taxes paid on dwelling unit.
- Payments or allowances under DHHS' low-income home energy assistance program (LIHEAP).
- Federal scholarships funded under Title IV of The Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance program.
- Payments received from programs funded under Title V of the Older Americans Act of 1965.
- Payments received on or after January 1, 1989 from the Agent Orange Settlement Fund or any fund established pursuant to the settlement in the Agent Orange product liability litigation.

- Earned Income Tax Credit refund tax payments.
- Any allowance paid under provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is a child of a Vietnam Veteran.
- Any amount of crime victim compensation that the applicant (under the Victims Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims Crime Act because of the commission of a crime against the applicant.
- Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990.
- Any other amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply.

F. INCOME FROM ASSETS

Acceptable methods of verification include:

Savings Account Interest Income and Dividends

Will be verified by:

- Account statements, passbooks, certificates of deposit, or WHA verification forms completed by the financial institution.
- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
- IRS Form 1099 from the financial institution, provided that the WHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

- A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
- Amortization schedule showing interest for the 12 months following the effective date of the certification or recertification.

Net Rental Income from Property Owned by Family

- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.
- Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
- Lessee's written statement verifying rent payments to the family and family's notarized statement as to net income realized.

G. VERIFICATION OF ASSETS

Family Assets

The WHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deduced from assessment.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.
- Family's Notarized Statement describing assets or cash held at the family's home or in safe deposit boxes.

Assets Disposed of for Less than Fair Market Value (FMV) during two years preceding effective date of certification or recertification.

For all Certifications and Recertifications, the WHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

Child Care Expenses

Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number and schedule of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical and Disability Assistance Expenses

Families who claim medical expenses or attendant care and auxiliary apparatus expenses to assist a person(s) with disabilities will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. WHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.

- The WHA will use mileage at the WHA's rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

For attendant care:

- A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
- Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

Assistance to Persons with Disabilities

In All Cases:

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

- Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
- Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

I. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the WHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Current, valid Driver's license
- U.S. passport
- Department of Motor Vehicles Identification Card

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

- Certificate of Birth
- Adoption papers

Verification of Marital Status

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

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification. The following verifications will be required if certification is insufficient:

Verification of relationship:

- Official identification showing name
- Birth Certificates
- Baptismal certificates

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency
- School records

Evidence of an established family relationship:

- Joint bank accounts or other shared financial transactions
- Leases or other evidence of prior cohabitation

Split Households: Domestic Violence

Verification of domestic violence when assessing applicant split households includes:

- Shelter for battered persons
- Police reports
- District Attorney's office

Verification of Permanent Absence of Adult Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the WHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
- Statements from other agencies such as social services that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The WHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under 42 U.S.C. Section 423(d)(1)(A) of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehabilitation specialist, or licensed social

worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the WHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.

Eligible Immigrants who are 62 or over are required to sign a declaration of eligible immigration status and provide proof of age.

Noncitizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The WHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the WHA must request within ten days that the INS conduct a manual search.

Family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household or spouse.

Noncitizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

Failure to Provide. If an applicant or tenant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification. For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial WHA does not supply the documents, the WHA must conduct the determination.

Extensions of Time to Provide Documents. The WHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration. The regulations stipulate that only the following

documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551) Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

Verification of Social Security Numbers

Social security numbers must be provided as a condition of eligibility for all family members six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A valid driver's license
- Identification card issued by a Federal, State or local agency

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the WHA.

If an applicant or tenant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or tenant must sign a certification to that effect provided by the WHA. The applicant/tenant or family member will have an additional 60 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's tenancy will be terminated.

In the case of an individual at least 62 years of age, the WHA may grant an extension for an additional 60 days up to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's tenancy will be terminated.

If the family member states they have not been issued a number, the family member will be

required to sign a certification to this effect.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

J. VERIFICATION OF SUITABILITY FOR ADMISSION

Sources to be used to determine suitability include but are not limited to:

- Criminal History Reports
- Prior landlord references
- Physicians, social workers, and other health professionals
- WHA and Other PHAs (to whom the family may owe debt)

(See chapter on Eligibility.)

Ability to meet financial obligations under the lease

All applicants will be subject to the following procedures to ensure their ability to meet financial obligations under the lease:

- All applicants will be interviewed and asked questions about the basic elements of tenancy.
- The WHA will access a Credit Report on all applicants prior to selection.
- The WHA will determine if applicants owe any monies from previous tenancy or participation in any HUD housing program.
- The WHA will independently verify the rent-paying history of all applicants for the previous three years directly with the landlord(s).

Drug-related or violent criminal activity

The WHA will complete a criminal background check of all applicants, including other adult members in the household, or any adult member for which criminal records are available.

Housekeeping

The WHA will obtain references from prior landlords for the previous three years to determine acceptable housekeeping standards.

The WHA may conduct a home visit prior to admission.

K. VERIFICATION OF WAITING LIST PREFERENCES

Local Preferences

Involuntary Displacement – Domestic Violence

- Families who claim they are being or have been displaced due to domestic violence:
- Written verification from police, social service agency, court, member of the clergy, physician, and/or public or private facility giving shelter and/or counseling to victims.
- The family must certify that the abuser will not return to the household without the advance written approval of the WHA.

Chapter 8

TRANSFER POLICY

INTRODUCTION

The transferring of families is a very costly procedure, both to the WHA and to the families. However, it is the policy of the WHA to permit a resident to transfer within or between housing developments; when it is necessary to comply with occupancy standards; or when it will help accomplish the Affirmative Housing goals of the WHA. The transfer policy will be carried out in a manner that does not violate fair housing.

For purposes of this transfer policy the "losing development" refers to the unit from which the family is moving and the "gaining development" refers to the unit to which the family is transferring.

A. GENERAL STATEMENT

It is the policy of the WHA to require or permit resident transfers, within and/or between WHA public housing developments for the following reasons:

- To abate dangerous and/or substandard living conditions.
- To abate emergency life-threatening living conditions caused by third-party criminal activity;
- To accommodate verified physical conditions caused by long-term illness and/or disability; and
- To accommodate resident families that are determined to be over- or under-housed by virtue of their family size.

The WHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.

B. ELIGIBILITY FOR TRANSFER

In order to be determined eligible to receive a transfer, residents must submit the requisite documentation to the WHA, to substantiate their request, and must be in good standing with the WHA. Families that seek to transfer to the public housing and non-public housing units in the HOPE VI Revitalization Program must qualify for admission to those units based on the additional criteria in Chapter 16. Families transferring to another development must have paid the security deposit in full at the losing development. Any move-out charges will be posted to the new unit. Except in emergency situations, transfers will be avoided when the family is:

- Delinquent in its rent;

- About to be asked to move for reasons other than non-payment of rent.
- Not in good standing with the WHA due to rental history or a history of disturbances.

The WHA will not grant a transfer request solely to accommodate neighbors who "cannot get along."

C. PRIORITY OF TRANSFERS

The Transfer Waiting list will be maintained in rank order according to the following priorities:

Emergency

- Executed within 48 hours of documentation, verification and approval
- Transfer will be within the housing development unless emergency transfer cannot be accomplished in this manner.
- Ratio of transfers to waiting list applicants not applicable
- Emergency transfers are initiated by the WHA.

Medical hardship and accessibility

- Executed within 60 days of documentation, verification and approval.
- Transfer will be within the housing development unless appropriate unit is not available to meet the family's needs within the development.
- Ratio of transfers to waiting list applicants not applicable.
- Medical hardship and accessibility transfers are initiated by written family request.

Over Housed

- Executed when family's name reaches top of transfer list and authorized unit available.
- Transfer will be within the housing development unless the size and type of unit required does not exist within that development's inventory.
- Ratio of transfers to waiting list applicants will not apply.
- Transfers are initiated by the WHA.

Under Housed (Overcrowded)

- Executed when family's name reaches the top of transfer list and authorized unit available

- Transfer will be within the housing development unless size and type of unit required does not exist within that development's inventory
- Ratio shall be one transfer for every three move-ins from the public housing waiting list.
- Transfers are initiated by the WHA and/or written family request.

Special Circumstances Transfer

The WHA will authorize transfers under special circumstances for a participant family if one of the following conditions occurs:

- The resident's unit is being modernized or significantly remodeled. In such cases the family may only be offered temporary relocation if allowed under Relocation Act provisions. and may be allowed to return to their unit once rehabilitation is complete.
- There is a reasonable fear of direct violence against the resident. Such transfer requests may include a fear of retaliation for witnessing an incident, or providing testimony or evidence in an eviction or criminal proceeding, or fear of being the victim of a hate crime. The WHA will seek input from local law enforcement regarding all requests for transfers due to threat of violence.
- Transfers due to threat of violence shall have priority over other transfers except for emergency transfers.

The WHA has a need, at the discretion of the Executive Director to transfer the resident family to another unit and the resident voluntarily agrees to such transfer.

D. EMERGENCY TRANSFER

The WHA will authorize an emergency transfer for a participant family if the resident's unit has been damaged by fire, flood, or other causes to such a degree that the unit is not habitable, provided the damage was not the result of an intentional act, carelessness, or negligence on the part of the resident or a member of the resident's household.

E. MANDATORY TRANSFERS

If there is a required change in the size of unit needed, it will be necessary for the resident to move to a unit of an appropriate size and a new lease will be executed. If an appropriate unit is not available, the resident will be placed on a transfer list and moved to such unit when it does become available.

The WHA will place all families requiring a mandatory transfer due to occupancy standards on a transfer list, which will be reviewed for need-based transfers before any unit is offered to a family on the waiting list. The family will be offered the next appropriately sized unit that becomes available after other such families already on the transfer list who are in need of the same size unit.

If a family that is required to move refuses the offered unit, the WHA will evaluate the reason for the refusal and determine if it is one of good cause. If the WHA determines that there is no good cause, the WHA will begin lease termination proceedings.

The WHA will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have 10 working days from the issue date of the Notice to Terminate to request an informal conference.

F. NON-MANDATORY TRANSFERS

When a unit becomes available, and after the transfer list has been reviewed for families requiring a mandatory transfer based on occupancy standards, the transfer list will be reviewed for other families desiring a transfer.

If there is a participant family waiting for transfer to an available and appropriately sized unit, the participant family will be offered the unit.

If a family is on an inventory-wide transfer list and refuses an offered unit, they will be removed from the transfer list unless the WHA determines that the refusal was made for good cause. If so, the family will be allowed to remain in their unit and will remain on the transfer list until another unit is offered.

G. MOVING COSTS

The resident, except when the transfer is due to uninhabitability, through no fault of the resident, or when the transfer is due to the need of the WHA, will pay all moving costs related to the transfer

H. SECURITY DEPOSITS

Security deposits will always be transferred from the losing development to the gaining development. Any damage or cleaning charges applicable to the losing unit will be billed to the resident.

I. PROCESSING TRANSFERS

There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both projects carry the resident on their books at the same time. Both losing and gaining developments involved must have a definite agreement as to when the losing development will move the resident out and the gaining development will move the resident in.

Losing Developments

Transfers to other developments will be processed in the same manner as move-outs. The name of the transferred resident and the name of the development s/he transferred to, with other required information, will be reported as a transfer move-out on the Project Daily Report.

Gaining Developments

Transfers from other developments will be processed in the same manner as move-ins, including a new lease and applicable security deposit. The name of the transferred resident and the name of the development s/he transferred from, with other required information, will be reported as a transfer move-in on the Project Daily Report.

J. TRANSFER REQUEST PROCEDURE

Residents requesting transfer to another unit or development will be required to submit a written request for the transfer. Residents applying for a transfer will have to complete a transfer request form stating the reason a transfer is being requested. The housing manager will evaluate the request to determine if a transfer is justified.

Residents applying for a transfer will be interviewed by the housing manager to determine the reason for the request and to determine whether a transfer is justified. If the interview reveals that there is a problem at the family's present site, the manager will address the problem and until solved to the manager's satisfaction, the request for transfer will be denied.

The housing manager's endorsement will be completed and the original of the written transfer request will be maintained at the housing office until the family is offered and accepts a unit and a copy will be sent to the family for their records.

Mandatory transfers due to occupancy standards will be maintained on the transfer list in a manner that allows the WHA to easily distinguish between those that are not mandatory.

If the request is approved, the family will be sent a letter stating that their name has been placed on the transfer list for the bedroom size desired. The resident will be informed of the security deposit procedures.

If the request is denied the family will be sent a letter stating the reason for denial, and offering the family an opportunity for an informal conference.

K. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS

Residents who have had a change in income since the last reexamination will have their rent set at the applicable amount beginning with the first day of the new lease. The WHA will notify the resident of the rent change by use of the Notice of Rent Adjustment Letter.

L. REEXAMINATION DATE

An interim examination verifying family composition, income, and other eligibility factors will be conducted at the time of lease up and the family will have a new reexamination date. The losing development will send the family's file to the gaining development once they have been notified that the family has accepted the unit and before the family is leased up. The gaining development will not lease up a family without possession of the family's file.

Chapter 9

LEASING

INTRODUCTION

It is the WHA's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the WHA's policies pertaining to lease execution, security deposits, other charges, and additions to the lease. Families that are admitted to the public housing and non-public housing units in the HOPE VI Revitalization Program must sign the Lease Rider that is described in Chapter 16.

A. LEASE ORIENTATION

Upon execution of the lease, a WHA representative will provide a lease orientation to the family head and spouse. The orientation may be conducted with more than one family. The family must attend an orientation before taking occupancy of the unit.

Orientation Agenda

When families attend the lease orientation, they will be provided with:

- A copy of the Lease
- A copy of the WHA's lease and grievance procedure
- A copy of the Pet Policy described in Chapter 10.

Topics to be discussed will include, but are not limited to:

- Applicable deposits and other charges
- Provisions of the Lease
- Family Choice of Rents
- Orientation to the community
- Unit maintenance and work orders
- Explanation of occupancy forms
- Terms of occupancy
- Community Service (HOPE VI Units Only)
- The Pet Policies

B. LEASE REQUIREMENTS

The initial term of the lease will be for 12 months. The lease will renew automatically for 12-month terms, unless the lease is terminated as described in Chapter 12.

C. EXECUTION OF LEASE

The lease shall be executed by the head of household, spouse, and all other adult members of the household, and by an authorized representative of the WHA, prior to admission.

An appointment will be scheduled for the parties to execute the lease. One executed copy of the lease will be given to the tenant, and the WHA will retain one in the tenant's file. A sample of the lease is attached to this ACOP as Exhibit A, and is incorporated into this policy by reference. The lease document will reflect current WHA policies as well as applicable Federal, State and Local law. The following provisions govern lease execution and amendments:

- A lease is executed at the time of admission for all new tenants.
- A new lease is executed at the time of the transfer of a tenant from one WHA unit to another (with no change in reexamination date).
- If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.
- Lease signers must be persons legally eligible to execute contracts.
- The names and date of birth of all household members are listed on the lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification shall be permitted to occupy a dwelling unit.
- Changes to tenant rents are made upon the preparation and execution of a "Notice of Rent Adjustment" by the WHA, which becomes an attachment to the lease. Documentation will be included in the tenant file to support proper notice.

Households that include a Live-In Aid are required to execute a lease addendum authorizing the arrangement and describing the status of the attendant. The lease addendum will indicate that the Live-In Aid is not a party to the lease and is not entitled to WHA assistance, with the exception of occupancy while serving as the attendant for the participant family member.

The WHA may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A tenant's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

D. ADDITIONS TO THE LEASE

Requests for the addition of a new member of the household must be approved by the WHA, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, the WHA will conduct a pre-admission

screening as described in this ACOP, including the Criminal History Report, of the proposed new member. Only new members approved by the WHA will be added to the household. Factors determining household additions:

- Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).
- Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process.
- Children below the age under which juvenile justice records are made available, who are added through a kinship care arrangement are exempt from the pre-screening process.
- Residents who fail to notify the WHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by the WHA, and the entire household will be subject to eviction [24 CFR 966.4(f)(2 and 3)].
- Family members age 18 and over who move from the dwelling unit to establish new households shall be removed from the lease. The tenant must notify the WHA of the move-out within ten calendar days of its occurrence.
- The resident may not allow visitors to stay overnight more than fourteen calendar days in a twelve month period. The family must request WHA approval prior to visitors arriving who will be in the unit in excess of thirty days in a year. Visitors who remain beyond this period shall be considered trespassers, and their presence constitutes a breach of the lease.
- Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit. Residents are not permitted to allow a former tenant of the WHA who has been evicted to occupy the unit for any period of time. Residents must advise the WHA when they will be absent from the unit for more than 15 consecutive days (see Chapter on Reexaminations) and provide a means for the WHA to contact the resident in the event of an emergency. Failure to advise the WHA of extended absences is grounds for termination of the lease.

E. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES

Before offering a vacant accessible unit to a non-disabled applicant, the WHA will offer such units:

- First, to a current occupant of another unit of the same development, or public housing developments under the WHA's control, who has a disability that requires the special features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

The WHA will require a non-disabled applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant. This requirement will be a provision of the lease agreement.

F. UTILITY SERVICES

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

Subject to the provisions of Chapter 6, non-payment of excess utility charge payments to the WHA is a violation of the lease and is grounds for eviction.

G. SECURITY DEPOSITS

Payment at Initial Occupancy

New tenants must pay a security deposit to the WHA at the time of admission. The amount of the security deposit required is specified in the lease.

The WHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of the WHA. However, no less than one-half of the required deposit must be paid before occupancy. The remainder of the deposit must be paid within 60 days of lease date.

Purpose of the Security Deposit

The WHA will hold the security deposit for the period the tenant occupies the unit. The WHA will refund to the Tenant the amount of the security deposit, less any amount needed to pay the cost of:

- Unpaid Rent;
- Damages listed on the Move-Out Inspection Report that exceed normal wear and tear;
- Other charges under the Lease.

Procedures When a Household Vacates a Unit

The WHA will refund the Security Deposit less any amounts owed, within 30 calendar days after move out and tenant's notification of new address.

A resident who intends to vacate a unit will contact the site office to make arrangements for moving out. The WHA will schedule an appointment on or before the date the resident intends to move to inspect the unit with the resident, consistent with the provisions of paragraph M of this chapter. After the appointment, the WHA will provide the tenant or the person designated by the former tenant in the event of the former tenant's incapacitation or death with a written list

of any charges against the security deposit. If the tenant disagrees with the amount charged to the security deposit, the WHA will provide a meeting to discuss the charges.

The resident must leave the dwelling unit in a clean and undamaged (beyond normal wear and tear) condition and must furnish a forwarding address to the WHA. All keys to the unit must be returned to the Management upon vacating the unit.

The WHA will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, the WHA will transfer the security deposit to the new unit. The tenant will be billed for any maintenance or other charges.

Pet Deposit

Residents with pets approved by the WHA shall pay a pet deposit as provided in Chapter 10.

H. RENT PAYMENTS

The tenant rent is due and payable at the WHA-designated location on the 1st of every month. If the 1st day of the month falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

If the WHA does not receive payment by the agreed-upon date, a delinquent rent notice will be sent.

If the payment of rent and other charges due under the lease will be delayed beyond the first day of the month, the tenant must notify the Management no later than ten calendar days before the payment is due.

The notification must include an explanation of the circumstances that will delay the tenant's payment, and indicate the date on which full payment will be made.

I. FEES AND NONPAYMENT PENALTIES

If the tenant fails to make payment by the 10th day of the month, and the WHA has not agreed to accept payment at a later date, a Notice to Vacate will be issued to the tenant with a 14 day notice period for failure to pay rent, demanding payment in full or the surrender of the premises.

A charge of \$25 will be assessed against the tenant for checks which are returned for non-sufficient funds (NSF), or checks written on a closed account. If the check is not redeemed and the rent satisfied by the 20th of the month, the rent will be considered unpaid. The WHA will not accept rent payment by check from any resident whose check is returned for non-sufficient funds, or where the check is written on a closed account. The WHA will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account.

If the WHA has not agreed to accept payment at a later date, a Notice to Vacate will be issued for failure to pay rent.

Any rent payment received will be applied to the oldest rent charges in the resident's account with the exception of debts currently under a payment agreement.

J. SCHEDULES OF SPECIAL CHARGES

Schedules of special charges for services, repairs, utilities and rules and regulations which are required to be incorporated into the lease by reference shall be publicly posted in a conspicuous manner in the project office, and they will be provided to applicants and tenants upon request.

K. MODIFICATIONS TO THE LEASE

Schedules of special charges and rules and regulations are subject to modification or revision. Residents and resident organizations will be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the central office, and hand delivered to the dwelling unit. After the proposed changes have been incorporated into the lease and approved by the Board, each family will be notified of the effective date of the new lease. Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

L. CANCELLATION OF THE LEASE

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement and as stated in this ACOP.

M. INSPECTIONS OF PUBLIC HOUSING UNITS

Initial Inspections

The WHA and the family will inspect the premises prior to occupancy of the unit in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by the WHA and the tenant, will be kept in the tenant file.

Any adult member may sign the inspection form for the head of household.

Vacate Inspections

The WHA Inspection Department will access the Vacate Report prepared by housing management staff and will perform a move-out inspection when the family vacates the unit, and will encourage the family to participate in the move-out inspection.

The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The WHA will determine if there are tenant caused damages to the unit. Tenant caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists the WHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next tenant. The resident is encouraged to participate in the move-out inspection.

Annual Inspections

The WHA will inspect all units annually using HUD's Uniform Physical Condition Standards (UPCS) as a guideline. The unit will be considered to have failed HUD's Uniform Physical Condition Standards if there are any *life-threatening* health and safety deficiencies.

If a unit fails inspection due to housekeeping or tenant-caused damages, the resident will be given a written notice requiring correction of the noted items within ten business days, after which a follow-up inspection will be conducted. All inspections will include a check of all smoke alarms to ensure proper working order. Damages beyond "normal wear and tear" will be billed to the tenant.

Residents will be issued a copy of the inspection report with required corrections. Inspection report will indicate whether required corrections are to be charged to the resident or covered by the WHA.

If necessary to bring the unit into UPCS compliance, needed repairs will be completed by the WHA. Required corrections will be repaired by the WHA within five business of the inspection date.

Residents who fail the inspection or cause excessive damage to the unit may be in violation of their lease.

Quality Control Inspections

The housing management staff will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which the WHA can be of service to the family. The WHA Inspection staff will conduct quality control inspections on selected units where repairs were made to vacant units generated by move-out inspections.

The purpose of these quality control inspections is to assure that repairs were completed at an acceptable level of craftsmanship and within an acceptable time frame.

The WHA inspection staff will conduct quality control inspections for units receiving a preventive maintenance inspection.

The property manager will conduct periodic inspections to determine the condition of the unit and to identify problems or issues in which the WHA can be of service to the family.

Special Inspections

Housing management staff may request the inspector to conduct a special inspection for housekeeping, unit condition, or suspected lease violation.

HUD representatives or local government officials may review WHA operations periodically and as a part of their monitoring may inspect a sampling of the WHA's inventory.

Other Inspections

The WHA inspector will periodically conduct windshield and/or walk-through inspections to determine whether there may be lease violations, adverse conditions or local code violations. Playground inspections are conducted quarterly to determine playground safety.

Building exterior and grounds inspections are conducted at all properties to determine hazardous conditions as well as to assist in budget preparation.

Emergency Inspections

Housing management staff, including WHA inspectors may initiate an emergency inspection report to generate a work order if they believe that an emergency exists in the unit or on a Public Housing site. In addition, the inspector may conduct an emergency inspection without a work order and generate a work order after the inspection has been conducted (see Entry of Premises Notice in this chapter.) Repairs are to be completed within 24 hours from the time the work order is issued.

Emergency Repairs to be Completed in Less than 24 Hours

The following items are to be considered emergency in nature and require immediate (less than 24 hour) response:

- Lock-out (with proper identification of resident)
- Broken lock which affects unit security
- Broken window glass which affects unit security, is a cutting hazard, or occurs within inclement weather (to be secured or abated)
- Escaping gas
- Plumbing leaks that can cause flooding or damage to the unit
- Natural gas leaks or smell of fumes
- Backed-up sewage
- Electrical hazard
- Units with elderly residents in which the WHA-owned air conditioner or heater (seasonal) or refrigerator is inoperable
- Inoperable smoke detectors will be treated as a 24-hour emergency and will be made operable by the WHA if the smoke detector is in need of repair.

Residents who disengage smoke detectors for convenience purposes will be issued a Housekeeping Citation.

Entry of Premises Notices

The WHA will give prior written notice for non-emergency inspections. Non-emergency entries to the unit will be made during reasonable hours of the day. The WHA will provide the family with 48-hour notice prior to entering the unit for non-emergency reasons other than the annual inspection.

If no person is at home, the inspector and another staff member will enter the unit and conduct the inspection. If no one is in the unit, the person(s) who enters the unit will leave a written notice to the resident explaining the reason the unit was entered and the date and time.

A written notice specifying the purpose for non-emergency entry into the unit will be delivered to the premises at least 48 hours before entry.

Where the WHA is conducting regular annual examinations of its housing units, the family will receive reasonable advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the WHA will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs
- To show the premises for leasing
- In cases of emergency

The family must call the WHA at least 24 hours prior to the scheduled date of inspection to reschedule the inspection, if necessary. The WHA will reschedule the inspection no more than once unless the resident has a verifiable medical reason that has hindered the inspection. The WHA may request verification.

Repairs requested by the family will not require prior notice to the family. Residents are notified in the lease that resident-requested repairs presume permission for the WHA to enter.

Non-Inspection Emergency Entry

The WHA staff will allow access to the unit to proper authorities based upon the need to protect public safety, to protect the health or safety of the tenant, other tenants, or employees of the WHA, or when necessary to prevent or remedy damage to WHA property.

Family Responsibility to Allow Inspection

The WHA must be allowed to inspect the unit at reasonable times with reasonable notice. 48 -

hour written notice will be considered reasonable in all cases. The WHA will reschedule the inspection no more than once unless the resident has a verifiable medical reason that has hindered the inspection. The WHA may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and the WHA will notify the family of its intended action.

Housekeeping Violations

Residents whose units fail an inspection for any reason not outside of the resident's control will be issued a Housekeeping Violation and a reinspection will be conducted within ten business working days by housing management staff. If the family fails the second inspection another inspection will be scheduled in ten business days and will be conducted by personnel from another complex. If the family fails to comply with the reinspection or fails the third inspection it can result in lease termination.

Violations will be issued to residents who purposely and for convenience disengage the unit's smoke detector.

Tenant Damages

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items that could be charged against the tenant's security deposit under state law or court practice.

Chapter 10

PET POLICY

INTRODUCTION

This Chapter explains the WHA's policies on the keeping of pets in the Public Housing and HOPE VI Revitalization Program, and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of this WHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of the WHA.

The purpose of this policy is to establish the WHA's policy and procedures for ownership of pets to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

A. ANIMALS THAT ASSIST, SUPPORT OR PROVIDE SERVICE TO PERSONS WITH DISABILITIES

The resident pet owner will be required to qualify animals (for exclusion from the pet policy) that assist, support or provide service to persons with disabilities.

Pet rules will not be applied to animals that assist, support or provide service to persons with disabilities, or that are necessary as a reasonable accommodation to a person with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

B. STANDARDS FOR PETS

Common Household Pets

The types of pets described below are considered common household pets. No types of pets other than the following may be kept by a resident. The following types and qualifications are consistent with applicable State and local law.

- Dogs: The maximum number permitted is one dog. The maximum adult weight cannot exceed twenty-five pounds. The dog must be housebroken, spayed or neutered, must have all State required inoculations, and must be licensed as specified now or in the future by State law and local ordinance. Any litter resulting from the dog must be removed immediately from the unit.

- Cats: The maximum number permitted is one cat. The cat must be declawed, trained to use a litter box or other waste receptacle, spayed or neutered, must have all State required inoculations, and must be licensed as specified now or in the future by State law and local ordinance. Any litter resulting from the cat must be removed immediately from the unit.
- Birds: The maximum number of birds permitted in the unit is two, if average cockatiel size (parakeets, finches, etc.), or one if a larger bird (such as a parrot, macaw, etc.). The bird(s) must be enclosed in a cage at all times
- Fish: The maximum aquarium size is ten gallon and must be maintained on an acceptable stand.
- Turtles: The maximum number of turtles is one per unit. The turtle must be enclosed in an acceptable cage or container at all times.

Prohibited Pets

The following are NOT considered "common household pets" and are not permitted:

- Domesticated dogs that exceed twenty-five pounds. (Animals certified to assist persons with disabilities are exempt from this weight limitation).
- Rodents are not permitted.
- Vicious or intimidating pets. Dog breeds including pit bull, rottweiler, chow, boxer, Doberman, Dalmatian, and German shepherd are considered vicious or intimidating breeds and are not allowed.
- Animals who would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Fish in aquariums exceeding ten gallons in capacity.
- Non-human primates.
- Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a

risk of serious puncture injuries to children.

- Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

C. REGISTRATION OF PETS

Registration Requirements

Pets must be registered with the WHA before they are brought onto the premises.

Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, has no communicable disease(s), and is pest-free. Registration must be renewed and will be coordinated with the annual reexamination date. Proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.

If the pet owner has not registered the pet with WHA they will be receive a written violation and have 10 days to supply the above information. If the pet owner cannot supply the information in the allotted time an eviction notice will be issued. If an eviction notice is issued the resident must provide proof that the pet no longer resides in the unit

Each pet owner must provide one color photograph of their pet(s).

Refusal to Register Pets

If the WHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial. The notification will be served in accordance with HUD notice requirements.

The WHA will refuse to register a pet if:

- The pet is not a common household pet as defined in this policy;
- Keeping the pet would violate any House Rules;
- The pet owner fails to provide complete pet registration information;
- The pet owner fails to update the registration annually;
- The WHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with the provisions of the lease.

The notice of refusal may be combined with a notice of pet violation.

D. PET AGREEMENT

Residents who have been approved to have a pet must enter into a Pet Agreement with the WHA.

The Resident will certify, by signing the Pet Agreement, that the Resident will adhere to the following rules:

- Agree that the resident is responsible and liable for all damages caused by their pet(s).
- All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement. Animal bites will be cause for removal of the pet from the unit.
- All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.
- Residents shall not feed any stray animals; doing so, or keeping stray or unregistered animals, will be considered having a pet without permission.
- No animals may be tethered or chained outside or inside the dwelling unit.
- When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.
- All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area, including any pet or animal exercise area. Failure to do so will result in a Pet Waste Removal charge to the resident, which will consist of all reasonable charges incurred by the Housing Authority. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.
- Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge. Litter shall not be disposed of by being flushed through a toilet.
- The resident pet owner shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.
- Mandatory implementation of effective flea control by measures that produce no toxic hazard to children who may come into contact with treated animals.
- The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress, or is creating a nuisance.
- The right of management to seek impoundment and sheltering of any animal found to be

maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees, and the WHA accepts no responsibility for pets so removed.

- Failure to abide by any animal-related requirement or restriction constitutes a violation of the Resident Obligations in the resident's Lease Agreement.
- Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping or other such activities. All nuisance complaints will be verified by two or more sources.
- Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

E. LIMITATIONS ON PET OWNERSHIP

All developments allow for the ownership of a pet, as outlined in this chapter.

F. DESIGNATION OF PET-FREE AREAS

The following areas are designated as no-pet areas:

- WHA playgrounds
- WHA day care centers
- WHA management offices
- WHA community centers
- WHA recreation center areas

G. PETS TEMPORARILY ON THE PREMISES

Residents are prohibited from feeding or harboring stray animals. Pets that are not owned by a tenant are not allowed.

H. DEPOSITS FOR PETS AND PET WASTE REMOVAL CHARGES

Tenants with animals must pay a pet deposit of \$300 for the purpose of defraying all reasonable costs directly attributable to the presence of a particular pet.

The resident will be responsible for all reasonable expenses directly related to the presence of the animal or pet on the premises, including the cost of repairs and replacement in the apartment, and the cost of animal care facilities if needed. These charges are due and payable within 30 days of written notification.

An initial payment of \$100 on or prior to the date the pet is properly registered and brought into the apartment, and monthly payments will be paid in an amount not less than \$25 until the specified deposit has been paid. Failure to pay the monthly fee will result in removal of the pet and will be considered a lease violation. The WHA reserves the right to change or increase the required deposit by amendment to these rules. The WHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, within a reasonable time after the tenant moves or upon removal of the pet from the unit.

The WHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The WHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the WHA will provide a meeting to discuss the charges, in accordance with the grievance procedure described in Chapter 13.

All reasonable expenses incurred by the WHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including, but not limited to:

- The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project if applicable
- Pet waste removal charges.

The expense of flea disinfestations shall be the responsibility of the resident. If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. Failure to pay current charges will be considered a violation of the lease. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit. The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first.

Pet Deposits are not a part of rent payable by the resident.

I. ADDITIONAL PET FEES

The WHA does not require a non-refundable nominal fee.

J. PET WASTE REMOVAL CHARGE

All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge to the resident, which will consist of all reasonable charges incurred by the Housing Authority. All animal waste or the

litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin. Litter shall not be disposed of by being flushed through a toilet.

Pet waste removal charges are not part of rent payable by the resident.

K. PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

L. LITTER BOX REQUIREMENTS

All animal waste or the litter from litter boxes shall be picked up/emptied daily by the pet owner, disposed of in heavy, sealed plastic trash bags, and placed in a trash container immediately. Litter shall not be disposed of by being flushed through a toilet. Litter boxes shall be stored inside the resident's dwelling unit.

M. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

N. RESPONSIBLE PARTIES

The resident pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

O. INSPECTIONS

The WHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

P. PET RULE VIOLATION NOTICE

The authorization for a common household pet may be revoked at any time subject to the Housing Authority's grievance procedure if the pet becomes destructive or a nuisance to others, or if the tenant fails to comply with this policy.

Residents who violate these rules are subject to mandatory removal of the pet from the premises within 30 days of notice by the Housing Authority; or if for a threat to health and safety, removal within 24 hours of notice.

If a determination is made on objective facts supported by written statements, that a resident pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the resident pet owner has ten business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation; That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- That the resident pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the ten business day period, the meeting will be scheduled no later than ten business days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

Q. NOTICE FOR PET REMOVAL

If the resident pet owner and the WHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the WHA, the WHA may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for the WHA's determination of the Pet Rule that has been violated;
- The requirement that the resident/ pet owner must remove the pet within ten business days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

R. TERMINATION OF TENANCY

The WHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

S. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, if a pet is poorly cared for, or has been left unattended for over twenty-four hours, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident pet owner. If the responsible party is unwilling or unable to care for the pet, if the WHA after reasonable efforts cannot contact the responsible party, or if there is no responsible party, the WHA may contact the appropriate State or local agency and request the removal of the pet, or the WHA may place the pet in a proper facility for up to 30 days. If there is no other solution at the end of 30 days, the WHA may donate the pet to a humane society. Cost of this professional care will be borne by the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

T. EMERGENCIES

The WHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for the WHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner. This Pet Policy will be incorporated by reference into the Dwelling Lease signed by the resident, and therefore, violation of the above Policy will be grounds for termination of the lease.

Chapter 11

REEXAMINATIONS

INTRODUCTION

HUD requires that the WHA offer all families the choice of paying income-based rent or flat rent at least annually. Except for families who live in units in the HOPE VI Revitalization Program, families who choose to pay flat rent are required to complete a reexamination of income, deductions and allowances at least once every three years, and must certify current household composition on an annual basis. To determine continued eligibility for public housing, and the amount of income-based rent, it is necessary for the WHA to perform a reexamination of family composition and the family's income. At the annual reexamination, families who choose to pay income-based rent must report their current household composition, income, deductions and allowances. Between regular annual reexaminations, HUD requires that families report all changes in household composition, but the WHA decides what other changes must be reported and the procedures for reporting them. This Chapter defines the WHA's policy for conducting annual reexaminations. It also explains the interim reporting requirements for families, and the standards for timely reporting. Additional policies for the HOPE VI Revitalization Program are described in Chapter 16.

A. ELIGIBILITY FOR CONTINUED OCCUPANCY

Residents who meet the following criteria will be eligible for continued occupancy:

- The household must qualify as a family as defined in this policy;
- The family is in full compliance with the obligations and responsibilities described in the dwelling lease;
- All family members, age 6 and older, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number;
- For the households that occupy the WHA's public housing units, all family members have submitted required citizenship/eligible immigration status/noncontending documents.

B. ANNUAL REEXAMINATION

The terms *annual recertification* and *annual reexamination* are synonymous.

In order to be recertified, families are required to provide current and accurate information on income, assets, allowances and deductions, and family composition.

The family composition of a household that chooses a flat rent must be recertified each year.

Except for households that occupy public housing and non-public housing units in the HOPE VI Revitalization program, the income of families that elect a flat rent must be reexamined every three years. For families who move in on the first of the month, the annual recertifications will be completed within 12 months of the anniversary of the move-in date. (Example: If family moves in August 1, the annual recertification will be conducted to be effective on August 1, the following year.)

For families who move in during the month, the annual recertifications will be completed no later than the first of the month in which the family moved in, the following year. (Example: If family moves in August 15, the effective date of the next annual recertification is August 1.)

When families move to another dwelling unit an annual recertification will be conducted (unless a recertification has occurred in the last 120 days) and the anniversary date will be changed.

Reexamination Notice to the Family

All families will be notified of their obligation to recertify by first class mail. The notification shall be sent at least 90 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the WHA will provide the notice in an accessible format. The WHA will also mail the notice to a third party, if requested as a reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

The notification shall explain family choice of income-based or flat rent, the WHA's policies for switching from a flat rent to an income-based rent in the event of financial hardship, and it will provide the family with an estimate of what the income-based rent would be and a statement of what the flat rent is.

The family will indicate whether the family chooses income-based or flat rent by checking the appropriate box on the document, signing the document, and returning the document to the WHA. If the family chooses flat rent, the family will fill out a Personal Declaration form, describing family composition. The Personal Declaration form will be signed by all adult family members.

Methodology

If the family chooses income-based rent, if the family resides in a unit in the HOPE VI Revitalization Program, or if the family lives in the WHA's Public Housing Program and has paid a flat rent for three (3) years, the WHA will schedule the specific date and time of appointments for conducting recertifications in the written notification to the family.

Persons with Disabilities

Persons with disabilities, who are unable to come to the WHA's office will be granted an accommodation of conducting the interview at the person's home or by mail, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The family is required to complete the annual recertification form. The WHA representative will interview the family and enter the information provided by the family on the recertification form. The family is required to complete a *Personal Declaration Form* prior to all annual and interim recertification interviews.

Requirements to Attend

The head of household and spouse will be required to attend the recertification interview and sign the application for continued occupancy:

If the head of household is unable to attend the interview the spouse may recertify for the family, provided that the head of household comes in within ten business days to recertify.

Failure to Respond to Notification to Recertify

The written notification will explain which family members are required to attend the recertification interview. The family may call to request another appointment date up to three calendar days prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the WHA, the WHA will reschedule a second appointment.

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the WHA will terminate tenancy for the family.

Exceptions to these policies may be made by housing manager if the family is able to document an emergency situation that prevented them from canceling or attending the appointment.

Documents Required from the Family

In the notification letter to the family, the WHA will include instructions for the family to bring the following:

- Documentation of income for all family members
- Documentation of liquid and non-liquid assets
- Documentation to substantiate any deductions or allowances
- Personal Declaration Form completed by head of household
- Documentation to verifying compliance with any applicable community service requirements by all non-exempt adults (HOPE VI Units only)

Verification of Information

All information which affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for recertification must be less than 120 days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

- the continued eligibility of the resident as a *family* or as the *remaining member* of a family, including continued financial eligibility;
- the unit size required by the family;
- the amount of rent the family should pay.

Changes in the Tenant Rent

If there is any change in rent, including change in family's choice in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4(c)].

Tenant Rent Increases

If tenant rent changes, a thirty-day notice will be mailed to the family prior to the anniversary date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the second month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the WHA.

If tenant rent decreases and the change occurred within a month prior to the recertification appointment, but the family did not report the change as an interim adjustment, the decrease will be effective on the recertification anniversary date.

C. REPORTING INTERIM CHANGES

Families must report all changes in household composition to the WHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain WHA approval prior to all other additions to the household.

When there is a change in head of household or a new adult family member is added, the WHA will complete an application for continued occupancy and reverify, using the same procedures the WHA staff would use for an initial application and an annual reexamination, except for effective dates of changes. In such case, the Interim Reexamination Policy would be used.

The annual reexamination date will not change as a result of this action.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified prior to the approval by the WHA of the family member being added to the lease.

Increases in Income to Be Reported

Except for households in the HOPE VI Revitalization Program, families paying flat rent are not required to report any increases in income or assets.

Families must report all increases in income/assets of all household members to the WHA in writing within ten business days of the occurrence.

Increases in Income and Rent Adjustments

The WHA will process rent adjustments for all increases in annual income greater than \$2500, which are reported between regularly scheduled recertifications.

Rent increases (except those due to misrepresentation) require 30 days notice.

Decreases in Income and Rent Adjustments

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions that would reduce the amount of the total tenant payment.

The WHA will process the rent adjustment unless the WHA confirms that the decrease in income will last less than 30 calendar days.

The WHA will process rent adjustments whenever there is a decrease in income, effective on the first of the month after the family reports the decrease in income.

Switching Rent Determination Methods Because of Hardship Circumstances

In the case of a family that has elected to pay the WHA's flat rent, the WHA shall immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship, including:

- Situations in which the income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income or other assistance;
- An increase, because of changed circumstances, in the family's expenses for medical costs, child care, transportation, education, or similar items; and
- Such other situations as may be determined by the WHA.

All hardship situations will be verified.

Once a family switches to income-based rent due to hardship, the family must wait until the next annual reexamination to elect whether to pay income-based rent or flat rent.

D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The WHA will not reduce the public housing rent for a covered family whose welfare assistance is reduced due to a "specified welfare benefit reduction," which is a reduction in welfare benefits due to:

- Fraud by a family member in connection with the welfare program; or
- Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, including noncompliance with a work activities requirement.

A "specified welfare benefit reduction" does not include a reduction of welfare benefits due to:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, such as the family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.
- Noncompliance with other welfare agency requirements.

Definition of "Covered Family:"

A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "Imputed Welfare Income:"

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

rent.

The amount of imputed welfare income is determined by the WHA, based on written information supplied to the WHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of benefit reduction

Imputed welfare income will be included in annual income at annual and interim reexaminations during the term of reduction of welfare benefits.

The amount of imputed welfare income will be offset by the amount of additional income a family receives that begins after the sanction was imposed. When additional income is at least equal to the imputed welfare income, the imputed income will be reduced to zero.

If the family was not an assisted resident of public housing when the welfare sanction began, imputed welfare income will not be included in annual income.

Verification Before Denying a Request to Reduce Rent

The WHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

The WHA will rely on the welfare agencies written notice to the WHA regarding welfare sanctions.

Cooperation Agreements

The WHA has a written cooperation agreement in place with the local welfare agency that assists the WHA in obtaining the necessary information regarding welfare sanctions.

The WHA has taken a proactive approach to culminating an effective working relationship between the WHA and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

The WHA and the local welfare agency have mutually agreed to notify each other of any economic self-sufficiency and/or other appropriate programs or services that would benefit public housing residents.

Family Dispute of Amount of Imputed Welfare Income

If the family disputes the amount of imputed income and the WHA denies the family's request to

modify the amount, the WHA will provide the tenant with a notice of denial, which will include:

- An explanation for the WHA's determination of the amount of imputed welfare income.
- A statement that the tenant may request a grievance hearing.
- A statement that the information received from the welfare agency cannot be disputed at the grievance hearing, and the issue to be examined at the grievance hearing will be the WHA's determination of the amount of imputed welfare income, not the welfare agency's determination to sanction the welfare benefits.

If the tenant requests a grievance hearing, the tenant is not required to pay an escrow deposit pursuant to 966.55(e) for the portion of tenant rent attributable to the imputed welfare income.

E. OTHER INTERIM REPORTING ISSUES

Zero Income Households

An interim reexamination will be scheduled for families with zero income every 90 days.

Other Family Changes

Any changes reported by residents other than those listed in this section will be noted in the file by the staff person, but will not be processed between regularly scheduled annual recertifications.

WHA Errors

If the WHA makes a calculation error at admission to the program or at an annual or interim reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively for any undercharge. Overcharges will be refunded to the family.

F. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

Standard for Timely Reporting of Changes

The WHA requires that families report interim changes to the WHA and provide verification of the change within ten business days of when the change occurs.

If the change is not reported within the required time period, or if the family fails to provide signatures, certifications or documentation, (in the time period requested by the WHA), it will be considered untimely reporting.

Procedures When the Change is Reported in a Timely Manner

The WHA will notify the family of any changes in Tenant Rent to be effective according to the following guidelines:

- Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.
- Decreases in the Tenant Rent, including a switch from flat rent to an income-based rent, are effective the first of the month following the month in which the change is reported; provided that the change will not be made until the third party verification is received.

Procedures When the Change Is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any underpaid rent, and may be required to sign a Repayment Agreement. The debt must be repaid within twelve months, or the tenancy will be terminated. The WHA will not execute a payment agreement if the payback is so much that it will take the family longer than twelve months to complete the agreement.
- Decrease in Tenant Rent will be effective on the first of the month following completion of processing by the WHA and not retroactively.

Procedures when the Change is not Processed by the WHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the WHA in a timely manner.

Therefore, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the WHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

G. REPORTING OF CHANGES IN FAMILY COMPOSITION

The members of the family residing in the unit must be approved by the WHA. The family must inform the WHA and request approval of additional family members other than additions due to birth, adoption, marriage, court-awarded custody before the new member occupies the unit.

All changes in family composition must be reported within ten business days of the occurrence in writing.

If an adult family member is declared permanently absent by the head of household, the remaining household member must sign a certification that the member (who may be the head of

household) removed is permanently absent.

The head of household must provide a statement that the head of household or spouse will notify the WHA if the removed member returns to the household for a period longer than the visitor period allowed in the lease.

Increase in Family Size

The WHA will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of a WHA-approved live-in attendant.
- Addition of any relation of the Head or Spouse.
- Addition due to birth, adoption or court-awarded custody.

Families who need a larger sized unit because of voluntary additions will have lower priority on the Transfer List than other families who are required to change unit size.

If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit, based upon the procedures for transfer in Chapter 8.

Definition of "Temporarily/Permanently Absent"

The WHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income. In any situation involving absence due to military service, where authorized by HUD, the WHA, in its sole discretion, may take any necessary action to accommodate the family.

It is the responsibility of the head of household to report changes in family composition. The WHA will evaluate absences from the unit in accordance with this policy.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the WHA will terminate tenancy in accordance with the appropriate lease termination procedures contained in

this Policy.

Families are required to notify the WHA before they move out of a unit in accordance with the lease and to give the WHA information about any family absence from the unit.

Families must notify the WHA if they are going to be absent from the unit for more than fifteen consecutive days. A person with a disability may request an extension of time as an accommodation.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the WHA may:

- Conduct home visit
- Write letters to the family at the unit
- Post letters on exterior door
- Telephone the family at the unit
- Interview neighbors
- Verify if utilities are in service
- Check with Post Office for forwarding address
- Contact emergency contact

If the entire family is absent from the unit, without WHA permission, for more than thirty consecutive days, the unit will be considered to be vacant and the WHA will terminate tenancy. In any situation where a unit is vacant because of the military service of any household member, where authorized by HUD policy, the WHA may, in its sole discretion permit the family absence for a period of time to be determined by the WHA

As a reasonable accommodation for a person with a disability, the WHA may approve an extension. (See Absence Due to Medical Reasons for other reasons to approve an extension.) During the period of absence, the rent and other charges must remain current.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for one hundred eighty days, except as otherwise provided in this Chapter. In any situation where a household member is absent due to military service, where authorized by HUD policy, the WHA may, in its sole discretion permit the absence for a period of time to be determined by the WHA

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the WHA will seek advice from a reliable qualified source as to the

likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than one hundred eighty consecutive days, the family member will not be considered permanently absent, as long as rent and other charges remain current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the WHA's "Absence of Entire Family" policy.

Absence Due to Incarceration

If the sole member is incarcerated for more than thirty consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for one hundred eighty consecutive days. The rent and other charges must remain current during this period.

The WHA will determine if the incarceration is for drug-related or criminal activity which would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents, and will take appropriate action to enforce the lease.

Foster Care and Absences of Children

If the family includes a child or children temporarily absent from the home due to placement in foster care, the WHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than six months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the WHA's occupancy guidelines.

Absence of Adult

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the WHA will treat that adult as a visitor for the first thirty calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the WHA will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

When the WHA approves a person to reside in the unit as caretaker for the child(ren), the income

of the caretaker should be counted pending a final disposition. The WHA will work with the appropriate service agencies to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than one hundred eighty days, the person will be considered permanently absent.

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

Visitors (See Chapter on Leasing)

Any adult not included on the HUD 50058 who has been in the unit more than fourteen cumulative days in a twelve-month period will be considered to be living in the unit as an unauthorized household member.

A failure by the household to verify that the visitor has another address will be considered verification that the visitor is an unauthorized household member.

The WHA will consider:

- Statements from neighbors and/or WHA staff
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- Law enforcement reports
- Credit reports

Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence. The burden of proof that the individual is a visitor rests on the family. This proof shall include but not be limited to: current rent receipt that shows the visitor as the renter, first class mail delivered prior to the violation letter, basic utility bills showing the visitor's name. In the absence of such proof, the individual will be considered an unauthorized member of the family and the WHA will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to one hundred eighty days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than one hundred eighty days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT

To be considered the remaining member of the tenant family, the person must have been previously approved by the WHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member the court has to have awarded emancipated minor status to the minor or is legally married; or the WHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

I. CHANGES IN UNIT SIZE

The WHA shall grant exceptions from the occupancy standards if the family requests and the WHA determines the exceptions are justified according to this policy.

The WHA will consider the size of the unit and the size of the bedrooms, as well as the number of bedrooms, when an exception is requested.

When an approvable change in the circumstances in a tenant family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List, and any transfer will be processed in accordance with the transfer policies in Chapter 8.

(Reference chapter on Occupancy Standards)

J. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

"Mixed" families who were participants on June 19, 1995, shall continue receiving full assistance if they meet the following criteria:

- The head of household, co-head or spouse is a U.S. citizen or has eligible immigrant status; AND
- The family does not include any ineligible immigrants other than the head or spouse, or

parents or children of the head, co-head or spouse.

Mixed families who qualify for continued assistance after 11/29/96 may receive prorated assistance only.

If they do not qualify for continued assistance, the member(s) that cause the family to be ineligible for continued assistance may move, or the family may choose prorated assistance (See Chapter titled "Factors Related to Total Tenant Payment Determination"). The WHA may no longer offer temporary deferral of termination (see Chapter on "Lease Terminations"). In the event family composition changes, and the family no longer qualifies for assistance because of the ineligible immigration status of any household member, the family may choose to move or may choose pro-rated assistance.

Chapter 12

LEASE TERMINATIONS

INTRODUCTION

The WHA may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)(2)], and the terms of the lease. This Chapter describes the WHA's policies for notification of lease termination and provisions of the lease.

A. TERMINATION BY TENANT

The tenant may terminate the lease by providing the WHA with a written fifteen calendar day advance notice as defined in the lease agreement.

B. TERMINATION BY WHA

Termination of tenancy will be in accordance with the WHA's lease.

The lease may be terminated by the WHA at any time by giving written notice for serious or repeated violation of material terms of the lease, such as, but not limited to the following:

- Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;
- Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;
- Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;
- Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes;
- Failure to abide by necessary and reasonable rules made by the WHA for the benefit and well being of the housing project and the Tenants;
- Failure to abide by applicable building and housing codes materially affecting health or safety;
- Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;
- Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning and other equipment, including elevators, in a safe manner;

- Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;
- Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas; or
- The Tenant, any member of the Tenant's household, or a guest or other person under the Tenant's control engages in criminal activity, including drug-related criminal activity, *on or off* public housing premises (as defined in the lease. The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).
- The tenant, any member of the Tenant's household, or a guest or other person under the Tenant's control engages in any criminal act that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents.
- If contraband or a controlled substance is seized on the above premises, incidental to a lawful search or arrest, the WHA will be notified by the County Attorney's Office that it is to bring an unlawful detainer action against that Tenant. The WHA will then commence unlawful detainer procedures to terminate the Lease.
- The tenant, or any member of the tenant's household engages in illegal use of drugs, abuse of alcohol, or a pattern of illegal use of drugs or abuse of alcohol that the WHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- The tenant is fleeing to avoid prosecution, or custody or confinement, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or for violation of a condition of probation or parole imposed under Federal or State law.
- Failure to qualify for public housing under the Non-Citizen Rule requirements.
- For the households residing in public housing units in the HOPE VI Revitalization Program only, failure of a family member to comply with community service provisions, as grounds only for non-renewal of the lease and termination of tenancy at the end of the 12-month lease term;
- Discovery after admission of facts that made the tenant ineligible;
- Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;
- Failure to accept the WHA's offer of a lease revision to an existing lease that is on a form adopted by the WHA in accordance with HUD regulations, with written notice of the

offer of the revision at least 60 calendar days before the lease revision is scheduled to take effect; and with the offer specifying a reasonable time limit within that period for acceptance by the family.

- Other good cause.

C. NOTIFICATION REQUIREMENTS

The WHA's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights described in Chapter 13 to file a complaint, request a grievance or seek a hearing, and any other protections afforded by HUD regulations and this policy.

Notices of lease termination shall be in writing and delivered to tenant or adult member of the household or sent by first class mail properly addressed to tenant.

The notice shall contain a statement describing the resident's right to meet with the manager to determine whether a reasonable accommodation would eliminate the need for a lease termination.

Timing of the Notice

If the WHA terminates the lease, written notice will be given as follows:

- At least 14 calendar days prior to termination in the case of failure to pay rent;
- A reasonable time, as defined in the lease, considering the seriousness of the situation, but not to exceed 30 days if:
 - Immediately if the health or safety of other residents, WHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or
 - any member of the household has been convicted of a felony.
- At least thirty days prior to termination in all other cases.

The WHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

Criminal Activity and Substance Abuse

The WHA will immediately terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit

is located, including common areas and grounds.

The WHA will terminate assistance of participants in cases where the WHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related, violent or other criminal activity. The same will apply if it is determined that the person abuses illegal drugs or alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the WHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

The WHA will consider the use of a controlled substance or alcohol to be a *pattern* if there is more than one incident during the previous twelve months.

"Engaged in or engaging in " criminal activity means any act by the tenant, household members, guests, and any such act engaged in on the premises by any other person under the tenant's control which involved drug-related criminal activity, criminal activity, or violent criminal activity, including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, whether or not the activity results in the arrest or conviction of the applicant or participant, household members, guests, or other persons under the tenant's control.

Mitigating Circumstances

The WHA, in its sole discretion, may choose to consider mitigating circumstances in determining whether to terminate a lease. Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying continued occupancy.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the WHA shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The WHA shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

The WHA may also permit continued occupancy provided the family accepts imposed conditions that the involved family member(s) does not reside in the unit. The WHA will consider evidence that the person is no longer in the household such as a divorce decree, incarceration, death, copy of a new lease for the person including the owner's telephone number and address, or other substantiating evidence.

Examples of mitigating circumstances include:

- Evidence of successful rehabilitation;
- Evidence of the applicant family's participation in and completion of social service or other appropriate counseling service approved by the WHA;
- Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The WHA will consider such circumstances in light of:

- The applicant's ability to substantiate through verification the claim of mitigating circumstances and his/her prospects for improved future behavior; and
- The applicant's overall performance with respect to all the screening requirements.

D. RECORD KEEPING

A written record of every termination and/or eviction shall be maintained by the WHA at the development where the family was residing, and shall contain the following information:

- Name of resident, number and identification of unit occupied;
- Date of the Notice of Lease Termination and any other notices required by State or local law; these notices may be on the same form and will run concurrently;
- Specific reason(s) for the Notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the Notices described in detail (other than the Criminal History Report);
- Date and method of notifying the resident;
- Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

The WHA will terminate public housing assistance to any household where no member qualifies for federal housing assistance under the Non-Citizen Rule, or where the WHA determines that the tenant has knowingly misrepresented the immigration status of any household member at the time of application, or where the tenant permits an ineligible individual to reside in the unit without seeking authorization for the individual to reside in the unit, as provided in Chapters 7 and 12.

Chapter 13

COMPLAINTS, APPEALS AND GRIEVANCES

INTRODUCTION

The WHA maintains procedures for accepting informal complaints, and for resolving the grievances of applicants and residents. Complaints will be accepted from applicants, tenants, WHA staff and the general public. Appeals are available to applicants in the WHA's programs. Except as otherwise specified in this chapter, grievances, including the procedures for informal conferences and formal grievance hearings, are available to residents of the Public Housing Program, and residents of the public housing units in the HOPE VI Revitalization Program. Informal conferences for deciding grievances are available to residents of the non-public housing units in the HOPE VI Revitalization Program. Residents of the non-public housing units in the HOPE VI Revitalization Program are not entitled to a formal grievance hearing.

This Chapter describes the policies to be used in implementing the WHA's complaint, appeals and grievance procedures. It is the policy of the WHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS

The WHA will respond promptly to complaints. Each complaint regarding the physical condition of the unit requiring repair may be reported by phone to the Housing Manager. Anonymous complaints are checked whenever possible. The WHA requires that other complaints be put in writing.

Complaints from Families

If an applicant or resident disagrees with an action or inaction of the WHA, any complaint of the family will be referred first to the Public Housing Manager and then to the Executive Director if not resolved. Applicants or residents will be advised of the right to an appeal, to request an informal conference, and, where applicable, to request a formal grievance hearing under the grievance procedure.

Complaints from Staff

If a staff person reports a family is violating or has violated a Lease provision or is not complying with program rules, such complaint from staff will be referred first to the Public Housing Manager.

Complaints from the General Public

Complaints or referrals from persons in the community (the general public) in regard to the

WHA or a WHA resident family will be referred to the Executive Director.

B. APPEALS BY APPLICANTS

Applicants who are determined ineligible, who do not meet the WHA's admission standards, or where the WHA does not have an appropriate size and type of unit in its inventory will be given written notification promptly, including the reason for the determination.

Ineligible applicants will be promptly provided with a letter detailing their individual status, stating the reason for their ineligibility, and offering them an opportunity for an informal hearing. Applicants must submit their request for an informal hearing in writing to the WHA within 10 working days from the date of the notification of their ineligibility.

If the applicant requests an informal hearing, the WHA will provide an informal hearing within 10 working days of receiving the request. The WHA will notify the applicant of the place, date, and time.

Informal hearings will be conducted by an impartial hearing officer. The person who is designated as the hearing officer cannot be the person who made the determination of ineligibility subordinate of that person.

The applicant may bring to the hearing any documentation or evidence s/he wishes and the evidence along with the data compiled by the WHA will be considered by the hearing officer. Only persons who are listed on the application are to attend the hearing unless the person requesting the hearing is in need of an interpreter. The hearing officer will make a determination based upon the merits of the evidence presented by both sides. Within 20 working days of the date of the hearing, the hearing officer will mail a written decision to the applicant and place a copy of the decision in the applicant's file.

The grievance procedures for tenants do not apply to WHA determinations that affect applicants.

C. HEARING AND APPEAL PROVISIONS FOR RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS

HUD's restrictions on the provision of housing assistance to non-citizens applies only to the public housing units in the Public Housing Program and the public housing units in the HOPE VI Revitalization Program. An applicant to or tenant of WHA public housing may appeal a denial or termination of assistance to the INS and to the WHA, in accordance with this chapter.

Assistance to the family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the WHA hearing is pending but assistance to an applicant may be delayed pending the WHA hearing.

INS Determination of Ineligibility

If an applicant to or occupant of a public housing unit claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the WHA will promptly provide the applicant or tenant with a notice of denial or termination. The notice will advise the family that:

- Financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;
- The family may be eligible for pro-ration of assistance as a mixed family;
- the family has a right, within thirty days of the WHA notice, to request an appeal directly to the INS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation to the INS in support of the appeal;
- the family has a right to request an informal hearing with the WHA either within fourteen days of notification of the INS decision on appeal, or within fourteen days of the initial WHA notice, if the household seeks an informal WHA hearing in lieu of the INS appeal;
- For applicants, the notice shall advise that assistance may not be delayed until the conclusion of the INS appeal process, but assistance may be delayed during the pendency of the informal hearing process.

If the family appeals to the INS, they must give the WHA a copy of the appeal and proof of mailing or the WHA may proceed to deny or terminate assistance.

Informal Hearings at the WHA

After notice is received of the INS decision on appeal, or if the family seeks a WHA eligibility review in lieu of the INS appeal, the family may request an informal hearing at the WHA. The request for a WHA hearing must be made within ten working days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within ten working days of receipt of that notice. The time period to request an appeal may be extended by the WHA for good cause.

After receipt of a request for an informal hearing, the hearing is conducted as described in the "Informal Grievance Procedures" section of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the WHA will:

- Deny the applicant family; or
- Terminate assistance to the family.

If there are eligible members in the family, the WHA will offer to prorate assistance or give the family the option to remove the ineligible members.

Other Complaints Related to Qualifications as a Non-Citizen

All other complaints related to eligible citizen/immigrant status will be processed for applicants or tenants in accordance with the procedures for an informal hearing and a Grievance as provided in this chapter, including the following circumstances:

- Any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment.

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

D. GRIEVANCE PROCEDURES

Definitions

- Grievance. Any dispute which a tenant may have with respect to a Housing Authority action or failure to act in accordance with the individual tenant's lease or WHA regulations which adversely affect the individual tenant's rights, duties, welfare, or status.
- Complainant. Any tenant whose grievance is presented to the WHA or at the site/management office informally or as part of the informal hearing process.
- Hearing Officer/Hearing Panel. A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.
- Tenant. The adult person (or persons) who signed the lease with the WHA, or the remaining head of household of any tenant family residing in housing accommodations owned or leased by the WHA. A live-in aide shall not be considered a tenant.
- Elements of Due Process. An eviction or a termination of tenancy in a State or local court in which the following procedural safeguards are required.
 - Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;

- Opportunity for the tenant to examine all relevant documents, records, and regulations of the WHA prior to the trial for the purpose of preparing a defense;
- Right of the tenant to be represented by counsel;
- Opportunity for the tenant to refute the evidence presented by the WHA, including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have;
- A decision on the merits of the case.

Applicability

This Grievance Procedure applies to all individual grievances, except as described in this paragraph. The Grievance Procedure shall not apply to the termination of any tenancy where the termination or eviction involves:

- Any criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or WHA employees;
- Any violent or drug-related criminal activity *on* or *off* such premises, or
- Any criminal activity that results in the felony conviction of any household member.

Pre-Hearing Procedures

Informal Grievance Procedures

- Any grievance shall be presented in writing to the WHA office or to the complainant's site office. Written grievances must be signed by the complainant. The grievance must be presented within a reasonable time not to exceed 10 days from the date of the aggrieved occurrence. It may be simply stated, but shall specify:
 - The particular grounds upon which it is based,
 - The action requested; and
 - The name, address, and telephone number of the complainant
- The purpose of the initial discussion is to discuss and to resolve the grievance without the necessity of a formal hearing.
- Within five working days, a WHA representative will give a summary of this discussion to the complainant. One copy will be filed in the tenant's file.

- The summary will include: names of participants, the date of the meeting, the nature of the proposed disposition, and the specific reasons for the disposition. For residents of the Public Housing Program, and for residents of the public housing units in the HOPE VI Revitalization Program, the summary will also specify the steps by which a formal hearing can be obtained, if the complainant is dissatisfied with the outcome of the informal conference.

Dissatisfaction with Informal Meeting

- If the complainant is dissatisfied with the proposed disposition of the grievance, s/he shall submit a written request for a hearing within 10 working days of the date of the summary of the informal meeting.
- The request for a hearing must be presented to the WHA's offices.
- The request for a hearing will be date-stamped.
- The request must specify the reason for the grievance request and the relief sought.

Failure to Request a Formal Hearing

If the complainant does not request a hearing within 10 working days, s/he waives his/her right to a hearing and the WHA's proposed disposition of the grievance will become final. This section in no way constitutes a waiver of the complainant's right to contest the WHA's disposition in an appropriate judicial proceeding.

Right to a Hearing

After exhausting the informal procedures outlined above, a complainant shall be entitled to a hearing before a hearing official or panel.

Selection of Hearing Officer or Panel

A grievance hearing shall be conducted by an impartial person or persons appointed by the WHA other than the person who made or approved the WHA action under review, or a subordinate of such person. WHA will have consulted with resident organizations prior to the appointment of such hearing officers.

Procedures to Obtain a Hearing

Informal Prerequisite

- All grievances must be informally presented as a prerequisite to a formal hearing.

- The hearing official or panel may waive the prerequisite informal hearing if, and only if, the complainant can show good cause why s/he failed to proceed informally.

Escrow Deposit

- Before a hearing is scheduled in any grievance involving an amount of rent the WHA claims is due, the complainant shall pay to the WHA all rent due and payable as of the month preceding the month in which the act or failure to act took place.
- The complainant shall, thereafter deposit the same amount of the monthly rent in an escrow account each month until the complaint is resolved by decision of the hearing official or panel.
- The WHA may waive these escrow requirements in extraordinary circumstances or in the case of a requested grievance hearing when the complainant has filed for the hearing as he/she feels that the Authority did not properly calculate Imputed Welfare Income in determining monthly rent.
- Unless so waived, failure to make the required escrow payments shall result in termination of the grievance procedure.
- Failure to make such payments does not constitute a waiver of any right the Complainant may have to contest the WHA's disposition of the grievance in any appropriate judicial proceeding.

Scheduling

- If the complainant complies with the procedures outlined above, a hearing shall be scheduled by the hearing officer promptly within 10 working days at a time and place reasonably convenient to the complainant and the WHA
- A written notification of the date, time, place, and procedures governing the hearing shall be delivered to the complainant and the appropriate WHA official.

Hearing Procedures

- The hearing shall be held before a hearing officer or a hearing panel.
- The complainant shall be afforded a fair hearing and be provided the basic safeguards of due process to include:
 - The opportunity to examine and to copy before the hearing [at the expense of the complainant] all documents, records, and regulations of the WHA that are relevant to the hearing. Any document not so made available after request by the complainant may not be relied upon by the WHA at the hearing.

- The WHA shall also have the opportunity to examine and to copy [at the expense of the WHA] all documents, records, and statements that the family plans to submit during the hearing to refute the WHA's inaction or proposed action. Any documents not so made available to the WHA may not be relied upon at the hearing, in the sole discretion of the hearing officer or panel.
- The right to a private hearing unless otherwise requested by the complainant.
- The right to be represented by counsel or other person chosen as a representative.
- The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the WHA, and to confront and cross-examine all Witnesses upon whose testimony or information the WHA relies and
- The right to a decision based solely and exclusively upon the facts presented at the hearing.
- If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.
- If the complainant or WHA fail to appear at the scheduled hearing, the hearing officer may make a determination that the party has waived his/her right to a hearing.
- At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter, the WHA must sustain the burden of justifying the WHA action or failure to act against which the complaint is directed.
- The hearing shall be conducted by the hearing officer/panel in such a way as follows:
 - Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;
 - The hearing official/panel shall require the MIA, complainant, counsel, and other participants and spectators shall conduct themselves in an orderly manner. The failure to comply with the directions of the hearing official/panel to maintain order will result in the exclusion from the proceedings or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

Transcript

The complainant or the WHA may arrange, in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may request a copy of such transcript.

Decisions of the Hearing Official/Panel

- The hearing official/panel shall give the WHA and the complainant a written decision, including the reasons for the decision, within 20 days following the hearing. The WHA will place one copy in the tenant files.
- The decision of the hearing officer/panel shall be binding on the WHA which shall take all actions necessary to carry out the decision, unless the WHA Commissioners determine, within 10 days, and so notifies the complainant that:
 - The grievance does not concern the WHA action or failure to act in accordance with or involving the complainant's lease or WHA regulations which adversely affect the complainant's rights, duties, welfare, or status;
 - The decision of the hearing officer/panel is contrary to applicable Federal, State or local law, HUD regulations, or requirements of the Annual Contributions Contract between HUD and the WHA.
- A decision by the hearing officer/panel or WHA Commissioners in favor of the WHA or which denies the relief requested by the complainant in whole or part shall not constitute a waiver of, nor affect in any matter whatever, the rights of the complainant to a trial or judicial review in any proceedings which may thereafter be brought in the matter.

Housing Authority Eviction Actions

- If a tenant has requested a hearing in accordance with these duly adopted Grievance Procedures on a complaint involving a WHA notice of termination of tenancy and the hearing officer/panel upholds the WHA action, the WHA shall not commence an eviction action until it has served a notice to vacate on the tenant.
- In no event shall the notice to vacate be issued prior to the decision of the hearing officer/panel having been mailed or delivered to the complainant.
- Such notice to vacate must be in writing and specify that if the tenant fails to quit the premises within the applicable statutory period or on the termination date as stated in the notice of termination, whichever is later, appropriate action will be brought against the complainant. The complainant may be required to pay court costs and attorney fees.

Chapter 14

FAMILY DEBTS TO THE WHA

INTRODUCTION

This Chapter describes the WHA's policies for the recovery of monies that have been underpaid by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the WHA's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the WHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

When families owe money to the WHA, the WHA will make every effort to collect it. The WHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Collection agencies
- Credit bureaus
- Income tax off-set programs

A. PAYMENT AGREEMENT FOR FAMILIES

A Payment Agreement as used in this ACOP is a document entered into between the WHA and a person who owes a debt to the WHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the WHA upon default of the agreement.

The maximum amount for which the WHA will enter into a payment agreement with a family is \$3,000. The maximum length of time the WHA will enter into a payment agreement with a family is twelve months. The minimum monthly amount of monthly payment for any payment agreement is \$25. The WHA will not enter into a payment plan that exceeds these guidelines.

Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, the WHA will:

- Require the family to pay the balance in full
- Pursue civil collection of the balance due
- Terminate tenancy

If the family requests a transfer to another unit and has a payment agreement in place and the payment agreement is not in arrears the family will be required to pay the balance in full prior to the unit transfer.

Payment Schedule for Monies Owed to the WHA

Initial Payment Due	Amount Owed	Standard Term
1/3 of total payment	\$0 - \$500	3 – 6 months
1/3 of total payment	\$501 - \$1,000	6 –10 months
1/3 of total payment	\$1,001 - \$3,000	10 – 12 months

There are some circumstances in which the WHA will not enter into a payment agreement. They are:

- If the family already has a payment agreement in place.
- If the WHA determines that the family has committed program fraud.

Guidelines for Payment Agreements

Payment agreements will be executed between the WHA and the head of household and spouse.

No transfer will be approved until the debt is paid in full unless the transfer is the result of the following causes, and the payment agreement is current, except where:

- Family size exceeds the maximum occupancy guidelines
- A natural disaster

Additional Monies Owed

If the family has a payment agreement in place and incurs an additional debt to the WHA, the WHA will not enter into more than one payment agreement at a time with the same family.

B. DEBTS DUE TO FRAUD/NON-REPORTING OF INFORMATION

HUD's definition of program fraud and abuse is a single act or pattern of actions that constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead.

Family Error/Late Reporting

Families who owe money to the WHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Payment Section of this Chapter.

Program Fraud

Families who owe money to the WHA due to program fraud will be required to repay the amount in full within thirty (30) days. If the full amount is paid within this time period, and the family is still eligible, the WHA may continue assistance to the family.

If a family owes an amount which equals or exceeds \$3,000 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the WHA will refer the case for criminal prosecution.

C. WRITING OFF DEBTS

Debts will be written off quarterly, but are considered collectible unless the debtor is deceased and the estate has failed to pay the debt within twelve months.

Chapter 15

COMMUNITY SERVICE

INTRODUCTION

The Wheeling Housing Authority is suspending its enforcement of the 8-hour community service requirement effective January 11, 2002 for all occupants of its public housing units, except for occupants of public housing units in the HOPE VI Revitalization Program. The WHA will not enforce this provision of our Admission and Continued Occupancy Policy so long as Congress provides for the option not to enforce the requirement. In taking this action WHA still wants to encourage our public housing residents to both participate in their community and enhance their self-sufficiency skills in a truly voluntary manner. The policies in this chapter apply only to occupants of public housing units in the HOPE VI Revitalization Program.

A. REQUIREMENT

Each adult resident of the WHA shall:

- Contribute 8 hours per month of community service (not including political activities) within the community in which that adult resides; or
- Participate in an economic self-sufficiency program (defined below) for 8 hours per month; or
- Perform 8 hours per month of combined activities (community service and economic self-sufficiency program)

B. EXEMPTIONS

The WHA shall provide an exemption from the community service requirement for any individual who:

- Is 62 years of age or older;
- Is a blind or disabled individual, as defined under section 216[i][1] or 1614 of the Social Security Act, and who certifies that she or he is unable to comply with this section, or is a primary caretaker of such individual;
- Is engaged in a work activity as defined in section 407[d] of the Social Security Act;
- Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the public housing agency is located, including a State-administered welfare-to-work program; or

- Is in a family receiving assistance under a State program funded under part A of title IV of the Social Security Act, or under any other welfare program of the State in which the public housing agency is located, including a State-administered welfare-to-work program, and has not been found by the State or other administering entity to be in noncompliance with such program.

The WHA will re-verify exemption status annually except in the case of an individual who is 62 years of age or older.

The WHA will permit residents to change exemption status during the year if status changes.

C. DEFINITION OF ECONOMIC SELF-SUFFICIENCY PROGRAM AND COMMUNITY SERVICE

Economic Self-Sufficiency Programs

For purposes of satisfying the community service requirement, participating in an economic self-sufficiency program is defined, in addition to the exemption definitions described above, by HUD as: Any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families.

These economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Community Service

Community service is defined as the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

The WHA will give residents the greatest choice possible in identifying community service opportunities.

The WHA will consider a broad range of self-sufficiency opportunities.

D. ANNUAL DETERMINATIONS

For each public housing resident subject to the requirement of community service, the WHA shall, at least 30 days before the expiration of each lease term, review and determine the compliance of the resident with the community service requirement.

Such determination shall be made in accordance with the principles of due process and on a nondiscriminatory basis.

The WHA will verify compliance annually. If qualifying activities are administered by an

organization other than the WHA, the WHA will obtain verification of family compliance from such third parties.

Family members will not be permitted to self-certify that they have complied with community service requirements.

E. NONCOMPLIANCE

If the WHA determines that a resident subject to the community service requirement has not complied with the requirement, the WHA shall notify the resident of such noncompliance, and that:

- The determination of noncompliance is subject to the administrative grievance procedure under the WHA's Grievance Procedures; and
- Unless the resident enters into an agreement to comply with the community service requirement, the resident's lease will not be renewed, and
- The WHA may not renew or extend the resident's lease upon expiration of the lease term and shall take such action as is necessary to terminate the tenancy of the household, unless the WHA enters into an agreement, before the expiration of the lease term, with the resident providing for the resident to cure any noncompliance with the community service requirement, by participating in an economic self-sufficiency program for or contributing to community service as many additional hours as the resident needs to comply in the aggregate with such requirement over the 12-month term of the lease.
- The head of household and the noncompliant adult must sign the agreement to cure.

Ineligibility for Occupancy for Noncompliance

The WHA shall not renew or extend any lease, or provide any new lease, for a dwelling unit for any household that includes an adult member who was subject to the community service requirement and failed to comply with the requirement.

F. WHA RESPONSIBILITY

The WHA will ensure that all community service programs are accessible for persons with disabilities.

- The WHA will ensure that:
- The conditions under which the work is to be performed are not hazardous;
- The work is not labor that would be performed by the WHA's employees responsible for essential maintenance and property services; or
- The work is not otherwise unacceptable.

G. WHA IMPLEMENTATION OF COMMUNITY SERVICE REQUIREMENT

The WHA will provide to residents a brochure of community service and volunteer opportunities available throughout the community, including a description of the ways in which Community Service participants may contact various groups offering community service opportunities. The WHA may also offer individual public housing residents the opportunity to participate in the WHA's Family Self-Sufficiency and Step-Up programs, and the Community and Supportive Services plan to be implemented as part of the HOPE VI Revitalization Program.

Chapter 16

HOPE VI REVITALIZATION PROGRAM

INTRODUCTION

The goal of the HOPE VI Revitalization Program is to redevelop the former public housing sites at Grandview Manor and Lincoln Homes, and to develop mixed income rental housing in order to revitalize selected neighborhoods in the City of Wheeling. Rental units constructed under the HOPE VI Revitalization Program are developed using the mixed finance model of public housing development authorized by HUD regulations at 24 C.F.R. Part 941, Subpart F. The rental units consist of a mix of public housing units and non-public housing units constructed with Low Income Housing Tax Credits under Section 42 of the Internal Revenue Code.

The HOPE VI Revitalization Program is developed in phases. Each phase is located at a different site, and is owned by a private partnership. The sites are managed by Wheeling Neighborhood Ventures, Incorporated, a non-profit community housing and development organization affiliated with the WHA.

Admission to and occupancy in the units developed as part of the HOPE VI Revitalization Program are subject to the general policies described in other chapters of this ACOP, except where otherwise noted. This chapter defines the additional standards for admission and occupancy that apply to the HOPE VI Revitalization Program.

A. DWELLINGS IN THE HOPE VI REVITALIZATION PROGRAM

The HOPE VI Revitalization Program is developed in phases. Units are available under the following completed phases:

Owner	Number of Public Housing Units	Number of LIHTC units	Total Number of Units
TCB North Wheeling Limited Partnership	20	19	39

Dwelling units in the HOPE VI Revitalization Program are available for occupancy to eligible applicants and are subject to the policies described in Chapter 1 of the ACOP, including the WHA's Fair Housing and Reasonable Accommodations policies.

B. APPLICATIONS AND ELIGIBILITY FOR ADMISSION

Except as noted below, the provisions of Chapters 2, 3, 4 and 5 apply to eligibility for admission, the application process, tenant selection and occupancy standards in the HOPE VI Revitalization Program.

Applications

Applications may be submitted and will be processed at the location of each HOPE VI Revitalization Program development, as provided in Chapter 3.

Eligibility of Non-Citizens

The public housing units in the HOPE VI Revitalization Program are subject to the limitations on the provision of federal housing assistance to non-citizens, as described elsewhere in the ACOP. Each household member applying for admission to or occupying a public housing unit in the HOPE VI Revitalization Program must provide documentation of citizenship, eligible immigration status, or must certify ineligibility. Unless a family is a mixed family, as defined in Chapter 2, ineligible non-citizen households may not be admitted to a public housing unit in the HOPE VI Revitalization Program.

The non-public housing LIHTC units in the HOPE VI Revitalization Program are not subject to the limitations on the provision of federal housing assistance to citizens and non-citizens. Non-citizens may apply for and reside in the non-public housing LIHTC units, so long as they meet the other eligibility criteria in the ACOP, and the standard for the LIHTC units described in this chapter.

Financial Eligibility

Eligibility for occupancy in the public housing units owned by TCB North Wheeling Limited Partnership is limited to very low-income families with annual incomes at or below 50% of area median income. Eligibility for the non-public LIHTC housing units is limited to households with annual incomes at or below 60% of area median income.

Verification of financial eligibility for LIHTC units is based on the standards established in Chapters 6 and 7, except that income from assets of LIHTC units shall be based on an average six-months' balance.

Students

No household consisting entirely of full-time students is eligible for admission to or occupancy in the HOPE VI Revitalization Program unless:

- The household includes a student who is also receiving benefits under the TANF program;
- The household includes a student who is enrolled in a job training program receiving assistance under the Job Partnership Training Act, or under a similar Federal, State or local law;
- The household consists of a single parent and their children, so long as the single parent and his or her children are not declared as dependents on the tax return of another individual not residing in the household; or

- All students consist of a married couple filing a joint tax return.

Families must immediately report any change in student status to the site manager, in the manner provided in Chapter 11. Where there is a change in household composition after admission so that the family consists entirely of full-time students who do not meet these exceptions, the lease will be terminated consistent with the provisions of Chapter 12.

C. SELECTION FOR ADMISSION AND SELECTION PREFERENCES

It is an objective of the WHA's HOPE VI Revitalization Program to create mixed-income communities. The non public housing LIHTC units may be occupied by any very low income family with an annual income at or below 50% of area median income with the provision that the rent and utility allowance for the unit does not exceed 40% of the household's adjusted monthly income. Selection for occupancy to the public housing units will be based on achieving a target mix of incomes in specified income tiers. Selection for admission to the public housing units in the HOPE VI Revitalization Program is also subject to the local selection preferences for victims of domestic violence, former residents of Grandview Manor and Lincoln Homes, working families who are also participants in the WHA's Family Self-Sufficiency Program.

Income Tiers

Applicants for admission to the public housing units owned by TCB North Wheeling Limited Partnership will be selected to achieve the following target mix of incomes:

- Eight (8) households shall have an annual income at or below 30% of area median income;
- Five (5) households shall have an annual income greater than 30% and at or below 40% of area median income; and
- Seven (7) households shall have an annual income greater than 40% and at or below 50% of area median income.

Additional Selection Preferences Categories

In addition to selection preferences based on income tiers for the public housing units, selection to all public housing and LIHTC units is based upon local selection preferences established by category for the HOPE VI Revitalization Program. Applicants to the HOPE VI Revitalization Program receive points based on the categories of preference for which they qualify. These selection preferences include:

- I. **Former residents of Grandview Manor and Lincoln Homes**, who resided in Grandview Manor or Lincoln Homes on or after August 19, 1999 and who were moved from Grandview Manor and Lincoln Homes solely because of the implementation of the HOPE VI Revitalization Program. Former Residents receive **one preference point** under this category.
- II. **Elderly families and disabled families** who qualify for occupancy in the one-bedroom

units. Applicants will receive **one preference point** under this category.

III. **Victims of domestic violence.** Applicants will receive **one preference point** under this category.

IV. **Working family preference.** For this preference, a working family is: (1) a family in which the head of household, co-head, or spouse is working at least 20 hours each week at a wage at least equal to the federal minimum wage and is a participant in the WHA's Family Self-Sufficiency Program; (2) an elderly family; or (3) a disabled family. Working families will receive **two preference points** under this category.

V. **Current Public Housing residents or Housing Choice Voucher participants** who also: (1) participates in the WHA's Community Service program; (2) participates in the WHA's Family Self-Sufficiency Program; (3) is a family in which at least one household member receives unemployment compensation benefits; or (4) is a family in which no member is working, and includes a member who, within one year of the application date, graduated successfully from or completed a job training program and is participating in an active job search. Applicants will receive **one preference point** under this category.

Applicants will be placed on the waiting list for an apartment based on bedroom size and the appropriate income tier based on family income. Applicants will be ranked on the waiting list based on: (1) the total number of preferences for which the household qualifies, and (2) the date and time of application. All other applicants without preferences will be ranked on the waiting list by the date and time of application for admission.

Selection for Admission

In general, applicants for occupancy in any unit in the HOPE VI Revitalization Program will be screened and selected based upon the eligibility criteria in this chapter, and the procedures described in Chapters 2, 3, 4 and 5, including income eligibility, date and time of application, and the size and type of unit required. For the public housing units owned by TCB North Wheeling Limited Partnership, applicants will be placed on the waiting list and selected by income tier, and will be ranked on the waiting list based on whether the household qualifies for a local selection preference and the date and time of application. For the non-public housing LIHTC units owned by TCB North Wheeling Limited Partnership, applicants will be placed on the waiting list and selected based on whether the household qualifies for a local selection preference, and the date and time of application.

D. RENT AND UTILITY ALLOWANCES

Rents in the public housing and non-public housing LIHTC units owned by TCB North Wheeling Limited Partnership may not exceed limits required by Section 42 of the Internal Revenue Code. A schedule of maximum rents will be posted at each HOPE VI Revitalization Program site, and may be adjusted from time to time as permitted by the LIHTC program.

Rent paid by occupant in a non-public housing LIHTC unit will be equal to the schedule of

maximum rent posted at each HOPE VI Revitalization site and may be adjusted from time to time. The disregards, deductions, and exclusions from income described in Chapter 6 are not available to residents of LIHTC units.

TTP in Public Housing Units

The rent paid by occupants of the public housing units in the HOPE VI Revitalization Program will be determined in accordance with the provisions of Chapter 6.

Flat Rents

Occupants of the public housing units in the HOPE VI Revitalization Program may elect to pay a flat rent, as provided in Chapter 6. The flat rent shall be equal to the imputed LIHTC rent for the non-public housing LIHTC units, as adjusted from time to time.

Utility Allowances

Utility allowances for resident paid utilities in the HOPE VI Revitalization Program are based on a schedule adopted for each site using the procedures described in Chapter 6. Adjustments to resident payments resulting from changes to the utility allowances will be effective on the first day of the month after the change in the utility allowance.

E. ANNUAL RECERTIFICATIONS

In general, the provisions of Chapter 11 apply to occupants in the HOPE VI Revitalization Program, except as described in this chapter. However, all occupants in the HOPE VI Revitalization Program will be recertified on an annual basis for all eligibility and income factors, including any tenant in a public housing unit that elects a flat rent.

F. GRIEVANCES

The provisions for informal discussions and grievances described in Chapter 13 shall apply to all occupants of public housing units in the HOPE VI Revitalization Program. Occupants of the non-public housing LIHTC units may request an informal discussion, as provided in Chapter 13, but shall not be entitled to a grievance hearing.

G. TERMINATION OF THE LEASE

Residents of the public housing units in the HOPE VI Revitalization Program who remain in compliance with the lease are entitled to continued occupancy based on the provisions of Chapter 12. Occupants of the non-public housing LIHTC units who remain in compliance with the lease are entitled to continued occupancy during the term of the lease. However, the management agent for each individual HOPE VI Revitalization Program site may, in the agent's sole discretion, choose not to renew the lease at the end of the term.

H. COMMUNITY SERVICE REQUIREMENTS

The community service requirements of Chapter 16 shall apply to all occupants of public

housing units in the HOPE VI Revitalization Program.

PROGRAM INTEGRITY ADDENDUM

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental subsidy than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits that exceed their legal entitlement. The WHA is committed to assure that the proper level of benefits is paid to all tenants, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The WHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the WHA's policies for the prevention, detection and investigation of program abuse and tenant fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the WHA undertake an inquiry or an audit of a tenant family arbitrarily. The WHA's expectation is that tenant families will comply with HUD requirements, provisions of the lease, and other program rules. The WHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the WHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor tenants' lease obligations for compliance and, when indicators of possible abuse come to the WHA's attention, to investigate such claims.

The WHA will initiate an investigation of a tenant family only in the event of one or more of the following circumstances:

- Referrals, Complaints, or Tips. The WHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a tenant family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the tenant file.
- Internal File Review. A follow-up will be made if WHA staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the WHA's knowledge of the family, or is discrepant with statements made by the family.
- Verification or Documentation. A follow-up will be made if the WHA receives independent verification or documentation which conflicts with representations in the tenant file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE WHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and tenant families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by tenant families.

- Things You Should Know. This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the WHA's expectations for cooperation and compliance.
- Program Orientation Session. Mandatory orientation sessions will be conducted by the Site Manager for all prospective tenants either prior to or upon execution of the lease. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.
- Resident Counseling. The WHA will routinely provide tenant counseling as a part of every recertification interview in order to clarify any confusion pertaining to program rules and requirements.
- Review and explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.
- Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse
- Tenant Certification. All family representatives will be required to sign a "Tenant Certification" form, as contained in HUD's Tenant Integrity Program Manual.

C. STEPS THE WHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

- Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent recertifications, each tenant file will be reviewed. Such reviews shall include, but are not limited to:
 - Changes in reported Social Security Numbers or dates of birth.
 - Authenticity of file Documents.
 - Ratio between reported income and expenditures.

- Review of signatures for consistency with previously signed file documents.
- Observation. The WHA Management and Occupancy Staff (to include maintenance personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income.
- Public Record Bulletins may be reviewed by Management and Staff.
- State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits
- Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the tenant) in the following circumstances:
 - At the time of final eligibility determination When an allegation is received by the WHA wherein unreported income sources are disclosed.
 - When a tenant's expenditures exceed his/her reported income, and no plausible explanation is given.
 - When any WHA action is based upon a credit report, the tenant will be provided the form of notice and an opportunity to dispute the contents of the credit report as provided in Chapter 2 of the ACOP.

D. THE WHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The WHA staff will encourage all tenant families to report suspected abuse to housing manager. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the tenant file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The WHA will not follow up on allegations which are vague or otherwise non-specific. The WHA will only review allegations which contain one or more independently verifiable facts.

File Review. An internal file review will be conducted to determine:

- If the subject of the allegation is a tenant of the WHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.
- It will then be determined if the WHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are

fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Director of Housing Management will initiate an investigation to determine if the allegation is true or false.

E. HOW THE WHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the WHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the WHA will secure the written authorization from the program participant for the release of information.

- Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity which conflicts with the reported income of the family.
- Verification of Credit. In cases where the financial activity conflicts with file data, a Verification of Credit form may be mailed to the creditor in order to determine the unreported income source.
- Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.
- Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the WHA's review.
- Other Agencies. Investigators, case workers or representatives of other benefit agencies may be contacted.
- Public Records. If relevant, the WHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The WHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate WHA office. A high standard of courtesy and professionalism will be maintained by the WHA Staff Person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

F. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE WHA

Documents and other evidence obtained by the WHA during the course of an investigation will

be considered "work product" and will either be kept in the tenant file, or in a separate "work file." In either case, the tenant file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among WHA Staff unless they are involved in the process, or have information which may assist in the investigation.

G. CONCLUSION OF THE WHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

H. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the WHA will review the facts to determine:

- The type of violation. (Procedural, non-compliance, fraud.)
- Whether the violation was intentional or unintentional.
- What amount of money (if any) is owed by the tenant.
- Is the family eligible for continued occupancy.

I. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the WHA will propose the most appropriate remedy based upon the type and severity of the violation.

Procedural Non-compliance

This category applies when the tenant "fails to" observe a procedure or requirement of the WHA, but does not misrepresent a material fact, and there is no retroactive rent owed by the family. Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment.
- Failure to return verification in time period specified by the WHA .

Warning Notice to the Family. In such cases a notice will be sent to the family which contains the following:

- A description of the non-compliance and the procedure, policy or obligation which was violated. The date by which the violation must be corrected, or the procedure complied with.

- The action which will be taken by the WHA if the procedure or obligation is not complied with by the date specified by the WHA.
- The consequences of repeated (similar) violations.

Procedural Non-compliance - Retroactive Rent

When the tenant owes money to the WHA for failure to report changes in income or assets, the WHA will issue a Notification of Underpaid Rent. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the WHA .
- A ten business day response period.
- The right to disagree and to request an informal hearing with instructions for the request of such hearing.
 - Tenant Fails to Comply with WHA's Notice. If the Tenant fails to comply with the WHA's notice, and a material provision of the lease has been violated, the WHA will initiate termination of tenancy.
 - Tenant Complies with WHA's Notice. When a tenant complies the WHA's notice, the staff person responsible will meet with him/her to discuss and explain the obligation or lease provision which was violated. The staff person will complete a Tenant Counseling Report, give one copy to the family and retain a copy in the tenant file.

Intentional Misrepresentations

When a tenant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an underpayment of rent by the tenant, the WHA will evaluate whether or not:

- the tenant had knowledge that his/her actions were wrong, and
- that the tenant willfully violated the lease or the law.

Knowledge that the action or inaction was wrong. This will be evaluated by determining if the tenant was made aware of program requirements and prohibitions. The tenant's signature on various certification, briefing certificate, Personal Declaration and *Things You Should Know* are adequate to establish knowledge of wrong-doing.

The tenant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the tenant of the misrepresentation.
- That the act was done repeatedly.
- If a false name or Social Security Number was used.
- If there were admissions to others of the illegal action or omission.
- That the tenant omitted material facts which were known to them (e.g., employment of self or other household member).
- That the tenant falsified, forged or altered documents.
- That the tenant uttered and certified to statements at a rent (re)determination which were later independently verified to be false.

The Tenant Conference for Serious Violations and Misrepresentations

When the WHA has established that material misrepresentation(s) have occurred, a Tenant Conference will be scheduled with the family representative and the WHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the WHA. The purpose of such conference is to review the information and evidence obtained by the WHA with the tenant, and to provide the tenant an opportunity to explain any document findings which conflict with representations in the tenant file. Any documents or mitigating circumstances presented by the tenant will be taken into consideration by the WHA . The tenant will be given ten business days to furnish any mitigating evidence.

A secondary purpose of the Tenant Conference is to assist the WHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the WHA will consider:

- The duration of the violation and number of false statements.
- The tenant's ability to understand the rules.
- The tenant's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The tenant's past history
- Whether or not criminal intent has been established.
- The number of false statements.

Dispositions of Cases Involving Misrepresentations

In all cases of misrepresentations involving efforts to recover monies owed, the WHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

Criminal Prosecution: If the WHA has established criminal intent, and the case meets the criteria for prosecution, the WHA may refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

Administrative Remedies: The WHA may terminate tenancy and demand payment of restitution in full.

Notification to Tenant of Proposed Action

The WHA will notify the tenant of the proposed action no later than ten business days after the tenant conference by certified mail. Where appropriate, the notice will advise the tenant of any rights to a grievance hearing as provided in Chapter 13.

GLOSSARY

I. TERMS USED IN DETERMINING FINANCIAL ELIGIBILITY AND RENT

Annual Income (24 CFR 5.609)

Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute. The types of income that are included and excluded from Annual Income are further defined in Chapter 6 and 7 of the ACOP.

Exclusions From Annual Income (24 CFR 5.609)

Exclusions from Annual Income are those forms of income that are not counted in determining eligibility for admission or in calculating TTP. The types of income that are excluded from Annual Income as Exclusions from Annual Income are further defined in Chapter 6 and 7 of the ACOP.

Adjusted Income

Adjusted Income is Annual Income, less allowable HUD deductions, and is used to determine TTP. Items that are deducted from Annual Income in order to determine Adjusted Income are further described in Chapters 6 and 7 of the ACOP.

II. GLOSSARY OF HOUSING TERMS

ACCESSIBLE. When used with respect to the design, construction or alteration of an individual dwelling unit or a non-dwelling facility, means that the unit or facility is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

ACCESSIBLE ROUTE. For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

ADAPTABILITY. Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

ADMISSION. Admission to the program is the effective date of the lease. The point at which a

family becomes a resident.

ALLOCATION PLAN. The plan submitted by the WHA and approved by HUD under which the WHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved allowances.

APPLICANT (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

AUXILIARY AIDS. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a Co-head or Spouse, but not both. A co-head never qualifies as a dependent.

COVERED FAMILIES. The statutory term "covered families" designates the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may, therefore, be the subject of a welfare benefit sanction for noncompliance with this obligation. "Covered families" means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

DEPENDENT. A member of the family household (excluding foster children) other than the family head, co-head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or older.

DESIGNATED FAMILY. The category of family for whom the WHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the Housing and Community Development Act of 1992.

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

DISABLED FAMILY. A family whose head, spouse, or sole member is a person with disabilities. A disabled family may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides

DISABLED PERSON. See Person with Disabilities.

DISALLOWANCE. Exclusion from annual income.

DISPLACED FAMILY. A family in which each member, or whose sole member, is 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.

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

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

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

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families. Economic self-sufficiency programs can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, any other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)).

ELDERLY FAMILY. A family whose head or spouse or whose sole member is at least 62 years. It may include two or more elderly, disabled persons living together or one or more such persons living with one or more live-in aides.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBLE FAMILY (Family). A family is defined by the WHA in the Admission and Continued Occupancy Plan.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

FAMILY. The applicant must qualify as a family as defined by the WHA.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a WHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FLAT RENT. Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the WHA could lease the public housing unit after preparation for occupancy. The Flat Rent in a non-public housing, Low Income Housing Tax Credit unit in the HOPE VI

Revitalization Program is the maximum rent that may be charged for such units under Section 42 of the Internal Revenue Code.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis.

HANDICAPPED PERSON. [Referred to as a Person with a Disability]. A person having a physical or mental impairment which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and is of such a nature that such ability could be improved by more suitable housing conditions.

HEAD OF HOUSEHOLD. The person who assumes legal and financial responsibility for the household and is listed on the application as head.**HOPE VI REVITALIZATION PROGRAM** refers to the public housing and non-public housing units developed under the WHA's program for the revitalization of the Grandview Manor and Lincoln Homes public housing developments and other areas of the City of Wheeling, funded with grants under Section 24 of the U.S. Housing Act and Low Income Housing Tax Credits.

HUD. The Department of Housing and Urban Development or its designee.

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

IMPUTED INCOME. HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

IMPUTED WELFARE INCOME. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income. This amount is included in family annual income and, therefore, reflected in the family rental contribution based on this income.

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

INCOME-BASED RENT. The tenant rent paid to the WHA that is based on family income and the WHA rental policies.

INCOME FOR ELIGIBILITY. Annual Income.

INCOME TARGETING. The HUD admissions requirement that PHAs not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

INDIVIDUAL WITH HANDICAPS for purposes of the non-discrimination provisions of Section 504 of the 1973 Rehabilitation Act, means any person who has 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. As used in this ACOP, the term has the same meaning as Person With Disabilities as defined by the American with Disabilities Act and the Fair Housing Amendments Act of 1988. The term shall not include any individual whose current use of alcohol or drugs prevents the individual from participating in WHA

programs, or whose current use of alcohol or drugs would constitute a direct threat to property or the safety of others.

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

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

- Is determined to be essential to the care and well-being of the person.
- Is not obligated for the support of the person.
- Would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the WHA to select among applicant families without regard to their date and time of application.

LOW-INCOME FAMILY. A family whose income does not exceed 80 percent of area median income, with certain adjustments, as determined by HUD from time to time.

LIHTC PROGRAM shall mean the Low Income Housing Tax Credit program, as set forth in Section 42 of the Code and all applicable regulations, as amended from time to time.

LIHTC UNIT shall mean any one of the housing units in the HOPE VI Revitalization Program that are subject to the requirements of the LIHTC Program but do not receive operating subsidy and are not operated as public housing.

MEDICAL EXPENSES. Those total medical expenses anticipated by a Family during the period for which Annual Income is computed, and which are not covered by insurance.

MINIMUM RENT. An amount established by the WHA between zero and \$50.00 as the minimum rent payable by a tenant of a public housing unit.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MONTHLY ADJUSTED INCOME. 1/12 of the Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income before allowances.

NEAR-ELDERLY FAMILY. A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

NET FAMILY ASSETS. The net cash 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 is excluded from the definition.

OCCUPANCY STANDARDS. Standards established by WHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

PARTICIPANT. A family that has been admitted to the WHA program, and is currently assisted in the program.

PERSON WITH DISABILITIES for purposes of defining a Disabled Family means:

1. A person who has a disability, as defined in 42 U.S.C. 423,
2. A person who is determined, under HUD regulations, to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
3. A person who has a developmental disability as defined in 42 U.S.C. 6001.
4. A Person with Disabilities may include a person with AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on any drug or alcohol dependence .

PREMISES. The building or complex in which the dwelling unit is located including common areas and grounds.

PREVIOUSLY UNEMPLOYED. Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (WHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs.

QUALIFIED FAMILY. A family residing in public housing whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or increased earnings by a family member during participation in any economic self-sufficiency or on the job training program; or new employment or increased earnings of a family member, during or within 6 months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the WHA in consultation with the local TANF agency and Welfare to Work programs. TANF includes income and benefits & services such as one time payments, wage subsidies & transportation assistance, as long as the total amount over a 6-month period is at least \$500.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if no interim changes are reported by the family.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RESIDENCY PREFERENCE. A local preference for admission of persons who reside in a specified geographic area.

SECURITY DEPOSIT. A dollar amount which can be collected from the family by the owner and upon termination of the lease can be applied to unpaid rent, damages or other amounts owed to the owner under the lease according to State or local law.

SINGLE PERSON. A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a tenant family.

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare agency benefits (for a covered family) that may not result in a reduction of the family rental contribution. "Specified welfare benefit reduction" means a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The marriage partner of the head of the household.

TENANT. (Synonymous with resident) The person or persons who executes the lease as lessee of the dwelling unit.

TENANT RENT. The amount payable monthly by the family as rent to the WHA.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT or HOUSING UNIT. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. The WHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

UTILITY REIMBURSEMENT PAYMENT. 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.

VERY LOW INCOME FAMILY. A Low-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

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

WAITING LIST. A list of applicant families organized according to HUD regulations and WHA policy who are waiting for subsidy to become available.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments. "Welfare assistance" means income assistance from Federal or State welfare programs, and includes only cash maintenance payments designed to meet a family's ongoing

basic needs. For FSS purposes, the following do not constitute welfare assistance: food stamps; emergency rental and utilities assistance; and SSI, SSDI, and Social Security.

III. GLOSSARY OF TERMS USED IN THE NON-CITIZEN RULE

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

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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.

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

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the WHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

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STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Housing Assistance Program, are described in and implemented through this Administrative Plan.

Administration of the Section 8 Program and the functions and responsibilities of the Wheeling Housing Authority (WHA) staff shall be in compliance with the WHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the WHA is the county of Ohio, West Virginia.

A. HOUSING AUTHORITY MISSION STATEMENT

The Wheeling Housing Authority is committed to building stronger neighborhoods by providing quality housing options and professional services for eligible residents of Ohio County in partnership with the greater community.

B. LOCAL OBJECTIVES [24 CFR 982.1]

The Section 8 Program is designed to achieve these major objectives:

1. To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
2. To ensure that all units meet Housing Quality Standards and families pay fair and reasonable rents.
3. To promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
4. To promote a housing program which maintains quality service and integrity while

providing an incentive to private property owners to rent to very low income families.

In addition, the WHA has the following goals for the program:

1. To assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.
2. To encourage self sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
3. To create positive public awareness and expand the level of family, owner, and community support in accomplishing the WHA's mission.
4. To attain and maintain a high level of standards and professionalism in our day-to-day management of all program components.
5. To administer an efficient, high-performing agency through continuous improvement of the WHA's support systems and commitment to our employees and their development.

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local objectives. The Plan covers all admission and continued participation in the Housing Assistance Program.

The WHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The original Plan and any changes must be approved by the Board of Commissioners of the agency and a copy provided to HUD.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(22)]

All expenditures from the administrative fee reserve will be approved by the WHA Board of Commissioners and made in accordance with the approved budget.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the WHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8

not addressed in this document are governed by such Federal Regulations, HUD Memos, Notices and Guidelines, or other applicable law.

F. TERMINOLOGY

The Housing Authority of Wheeling is referred to as "WHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord" and "Owner" are used interchangeably.

"Disability" is used where "Handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995, reinstated by the Quality Housing and Work Responsibility Act of 1998 (QHWRA), restricting assistance to U.S. citizens and eligible immigrants.

"HQS" means the Housing Quality Standards or habitability criteria, mandated by Federal Regulations, including any HUD approved WHA variations.

"Failure to Provide" refers to all requirements in the first Family Obligation. See Chapter 15, "Denial or Termination of Assistance."

See Glossary for other terminology.

G. FAIR HOUSING AND EQUAL OPPORTUNITY POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The WHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability.

To further its commitment to full compliance with applicable Civil Rights laws, the WHA will provide Federal/State/local information to Housing Assistance Program participants regarding

"discrimination" and any recourse available to them if they are victims of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Housing Assistance Program participant's briefing packet.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the WHA's facilities are inaccessible to or unusable by persons with disabilities.

Posters and housing information are displayed in locations throughout the WHA's office in such a manner as to be easily readable from a wheelchair.

The Wheeling Housing Authority's office(s) is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by calling our TDD/TDY telephone number, 242-4494.

The WHA practices affirmative action in hiring, promotion, and conditions of employment. Position vacancies are advertised in the Wheeling News Register/Intelligencer. The NAACP and local civic groups are contacted. The WHA's recruitment practices will apply aggressive outreach to community-based racial and ethnic groups so that the composition and culture of the staff reflects the composition and culture of the community to the extent possible. All WHA job postings will display the affirmative action/equal employment opportunity logo and slogan prominently.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 700.245(c)(3)]

This policy is applicable to all situations described in this Administrative Plan when a family initiates contact with the WHA, when the WHA initiates contact with a family including when a family applies, and when the WHA schedules or reschedules appointments of any kind.

It is the policy of the WHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

Any and all information relating to a participant the nature and/or severity of a person's disability will not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by Section 8 Coordinator.

Persons with Disabilities [24 CFR 5.403(b)]

The WHA's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation so that they may fully access and utilize the housing program and related services. The availability of specific accommodations will be made known by including notices on WHA forms and letters to all families, and all requests will be verified so that the WHA can properly accommodate the need presented by the disability.

Federal Americans with Disabilities Act of 1990

1. With respect to an individual, the term "disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment or being regarded as having such an impairment.
2. Those "regarded as having such an impairment" may include those with conditions such as obesity or cosmetic disfigurement, and individuals perceived to be at high risk of incurring a work-related injury.
3. Individuals with contagious diseases who do not pose a direct threat to others are covered by the Act. AIDS victims and those who test positive for the HIV virus are considered to have a disability.
4. An individual who has an infectious or communicable disease that is transmitted to others through the handling of food, the risk of which cannot be eliminated by reasonable accommodation, may be refused an assignment or a continued assignment to a job involving food handling. The Secretary of Health and Human Services annually will publish a list of those ideas that are transmitted through food handling.
5. Rehabilitated alcohol and drug users are considered to be persons with disabilities for purposes of the Act. However, current alcohol and drug users can be held to the same qualification standards for job performance as other employees.

Undue Hardship

Requests for reasonable accommodation from persons with disabilities will be granted upon verification that they meet the need presented by the disability and they do not create an "undue financial and administrative burden" for the WHA, meaning an action requiring "significant difficulty or expense." This standard is not specifically defined in the Act.

In determining whether accommodation would create an undue hardship, the following guidelines will apply:

The nature and cost of the accommodation needed;

The overall financial resources of the facility or facilities involved in the provision of the

reasonable accommodation; and

The number of persons employed at such facility, the number of families likely to need such accommodation, the effect on expenses and resources, or the likely impact on the operation of the facility as a result of the accommodation.

Verification of a Request for Accommodation

All requests for accommodation or modification will be verified with a reliable knowledgeable, professional.

The WHA will refer families who have persons with disabilities to agencies in the community that offer services to persons with disabilities.

I. TRANSLATION OF DOCUMENTS

In determining whether it is feasible to provide translation of documents written in English into other languages if based on the most current demographic information available, 30% or more of the population in WHA's jurisdiction is comprised of a minority whose primary language is other than English, WHA will make forms in the other language available and will arrange for an interpreter as needed.

J. MANAGEMENT ASSESSMENT OBJECTIVES

The WHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the WHA is using its resources in a manner that reflects its commitment to quality and service. The WHA policies and practices are consistent with the goals and objectives of the following proposed HUD SEMAP indicators.

1. Selection from the Waiting List
2. Reasonable Rent
3. Determination of Adjusted Income
4. Utility Allowance Schedule
5. HQS Quality Control Inspections
6. HQS Enforcement
7. Expanding Housing Opportunities
8. FMR/exception Rent & Payment Standards
9. Annual Re-examinations
10. Correct Tenant Rent Calculations
11. Pre-Contract HQS Inspections
12. Annual HQS Inspections
13. Lease-up
14. Family Self-Sufficiency Enrollment

15. Percent of FSS Participants with Escrow Account Balances

K. RECORDS FOR MONITORING WHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the WHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and/or assess the WHA's operational procedures objectively and with accuracy.

Records and reports will be maintained for the purpose of:

1. Demonstrating that at least 98% of families were selected from the waiting list in accordance with the Administrative Plan policies and met the correct selection criteria.
2. Determining that at least 98% of randomly selected tenant files indicate that the WHA approved reasonable rents to owner at the time of initial lease-up and before any increase in rent.
3. Monitoring WHA practices for obtaining income information, proper calculation of allowances and exclusions, and utility allowances used to determine adjusted income for families.
4. Demonstrating that the WHA has annually analyzed utility rates locally to determine if there has been a change of 10% or more since the last time the utility schedule was revised and made any resulting mandatory revision.
5. Determining that during the fiscal year the WHA performs supervisory HQS quality control inspections for a random sampling of all units under contract.
6. Determining that a review of selected files indicate that for at least 98% of failed inspections, the WHA ensures timely correction of HQS deficiencies or abates HAPs or takes vigorous action to enforce HQS-related family obligations.
7. Demonstrating that the WHA provides families and owners information that actively promotes the deconcentration of assisted families in low-income neighborhoods.
8. Demonstrating that at least 90% of units newly leased have an initial gross rent which does not exceed the FMR, aside from OFTO tenancies and Voucher payment standards are not less than 90% of the current FMR/exception rent limit unless otherwise approved by HUD.
9. Demonstrating that 100% of re-exams are processed on time.

10. Demonstrating that less than 2% of all tenant files have rent calculation discrepancies.
11. Demonstrating that 100% of newly leased units passed HQS inspections before HAP contract date.
12. Demonstrating that the WHA performs annual HQS inspections on time for 100% of all units under contract.
13. Demonstrating that the WHA leases 100% of budgeted units during the fiscal year.
14. Determining that the WHA has filled 100% of its FSS slots.
15. Demonstrating that at least 30% of the WHA's FSS participants have escrow account balances.

In addition to the SEMAP factors above to ensure quality control, Supervisory staff audit the following functions by random sample as determined by SEMAP criteria:

Annual reexaminations
New applications
HQS inspections completed by each inspector
Claims processed

L. PRIVACY RIGHTS [24 CFR 982.551]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886 Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD will release family information.

The WHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

In accordance with HUD requirements, the WHA will furnish prospective owners with the family's current address, as shown on the WHA's records, and if known to the WHA, the name and address of the landlord at the family's current and prior address.

The WHA will furnish prospective owners with information about the family's rental history or any history of drug trafficking.

A statement of the WHA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

The WHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

The staff person who is utilizing a file is responsible for its security. Files will never be left unattended or placed in common areas.

WHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

M. FAMILY OUTREACH [24 CFR 982.153(b)(1)]

The WHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the WHA's waiting list is open, the WHA will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in English.

To reach persons who cannot read the newspapers, the WHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel. The WHA will also utilize public service announcements.

The WHA will communicate the status of housing availability to other service providers in the community, advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

N. OWNER OUTREACH [24 CFR 982.54(d)(5), 982.153(b)(1)]

The WHA encourages owners of decent, safe, and sanitary housing units to lease to Section 8 families. The WHA maintains a list of interested landlords for the Section 8 Program and updates this list at least annually. When listings from owners are received, they will be compiled by the WHA staff by bedroom size.

The Housing Authority will maintain lists of available housing submitted by owners in all neighborhoods within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low income households. The lists of owners will be mailed on request and provided at briefings.

The staff of the WHA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available

under the program.

The WHA has active participation in a community based organization(s) comprised of private property and apartment owners and managers.

The WHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The WHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families. Housing Assistance Program participants are informed of the full range of areas where they may lease units inside the WHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.

The WHA conducts an annual meeting with participating owners to improve owner relations and to recruit new owners.

Chapter 2

ELIGIBILITY FOR ADMISSION [24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD's and the WHA's criteria for admission and denial of admission to the program. The policy of the WHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The WHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the WHA pertaining to their eligibility.

Chapter 3 of this Policy specifies the WHA's authority on accessing criminal records to be used for the purpose of determining eligibility as well as determining whether or not to terminate assistance on a current participant.

Eligibility Factors

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the WHA.

The eligibility criteria are:

- An applicant must be a "family"
- An applicant must be within the appropriate Income Limits
- An applicant must furnish Social Security Numbers for all family members
- An applicant must furnish evidence of Citizenship/Eligible Immigrant Status

For the WHA's additional criteria for eligibility, see Section E, "Other Criteria for Admission."

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for participation in the Housing Assistance Program, unless the WHA determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list.

A. FAMILY COMPOSITION [24 CFR 5.403, 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons. A group of persons may be:

- Two or more persons who intend to share residency whose income and resources are available to meet the family's needs.
- Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides is a family.
- A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A single person may be:

- An elderly person
- A displaced person
- A person with a disability
- Any "other single" person

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the WHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to Non-Citizen Rule requirements.
3. Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

With WHA and owner permission, a Live-in Aide may reside in the unit. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

At any time, the WHA may refuse to approve a particular person as a live-in aide or may withdraw such approval if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program,
2. The person commits drug-related criminal activity or violent criminal activity; or
3. The person currently owes rent or other amounts to the WHA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Housing Assistance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the WHA will make the decision taking into consideration the following factors:

1. Which family member applied as head of household.
2. Which family unit retains the children or any disabled or elderly members.
3. Restrictions that were in place at the time the family applied.
4. Role of domestic violence in the split.
5. Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by WHA.

Multiple Families in the Same Household

When families consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

B. INCOME LIMITATIONS [24 CFR 982.201, 982.353]

In order to be eligible for assistance, an applicant must be either:

- A very low-income family; or
- A low-income family in any of the following categories:
 - A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 90 days of participation in the Section 8 Housing Assistance Program. Programs include public housing, all Section 8 programs, all Section 23 programs.
 - A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

To determine if the family is income-eligible, the WHA compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

The applicable income limit to be used at initial participation in the Section 8 Housing Assistance Program is the income limit of the WHA.

For admission to the program (initial lease-up), the family must be within the low income limit of the jurisdiction where they want to live.

Portability: For initial lease-up, families who exercise portability must be within income limit for the jurisdiction of the receiving HA in which they want to live.

Assisted families who exercise portability, and request or require a change in their form of assistance, must be within the income limit of the receiving HA if they are to receive the alternate form of assistance.

C. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of Social Security Numbers is grounds for denial or termination of assistance.

D. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is

considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations are not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

E. DENIAL OF ASSISTANCE/OTHER ELIGIBILITY CRITERIA [24 CFR 982.552]

This Chapter describes when the WHA is required to deny or terminate assistance, and the WHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

1. GROUND FOR DENIAL/TERMINATION [24 CFR 982.552, 982.553]

If denial of assistance is based upon behavior resulting from a disability, the WHA will delay the denial in order to determine if there is an accommodation that would negate the behavior resulting from the disability.

2. FORM OF DENIAL

Denial of assistance for an applicant may include any or all of the following:

1. Denial for placement on the WHA waiting list.
2. Denying or withdrawing a voucher.
3. Refusing to enter into a HAP contract or approve a lease.
4. Refusing to process or provide assistance under portability procedures.

3. MANDATORY DENIAL OF ASSISTANCE

The WHA must deny assistance to applicants:

1. If any member of the family fails to sign and submit HUD or WHA required consent forms for obtaining information.
2. If no member of the family is a U.S. citizen or eligible immigrant. (See Chapter 14, Section E)
3. Any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.
 - a. The WHA is required to check State Police agencies for each State that each adult household member is known to have resided in.

4. GROUNDS FOR DENIAL OF ASSISTANCE

A. The WHA may at any time deny program assistance for an applicant for any of the following reasons:

1. The family violates any family obligation under the program as listed in 24 CFR 982.551.
2. If any member of the family has been evicted from federally assisted housing in the last five years;
3. If a PHA has ever terminated assistance under the Section 8 Program for any member of the family.
4. The family currently owes rent or other amounts to the WHA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
5. The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
6. The family breaches an agreement with a HA to pay amounts owed to a HA, or amounts paid to an owner by an HA.
7. Failure to fulfill the obligations and conditions of the FSS contract is grounds for denial assistance.
8. The family has engaged in or threatened abusive or violent behavior toward any HA personnel.

"Abusive or violent behavior towards HA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial

epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

See Chapter 3 of this Policy regarding WHA access of criminal records and release of criminal record information.

B. Denial of admission for criminals and alcohol abusers; [24 CFR 982.553]

1. PREVIOUS EVICTION OF A HOUSEHOLD MEMBER FOR DRUG RELATED CRIMINAL ACTIVITY

The WHA must prohibit admission to the program of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. The WHA may admit the family if the WHA determines:

- a. That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the WHA. The adult household member would be required to supply written documentation from the approved agency; or
- b. That the circumstances leading to eviction no longer exist;
 1. The criminal household member is deceased.
 2. The criminal household member is imprisoned.

2. A HOUSEHOLD MEMBER IS CURRENTLY ENGAGING IN THE ILLEGAL USE OF A DRUG

The WHA will deny participation in the program to applicants in cases where the WHA determines there is reasonable cause to believe that the person is engaging in the illegal use of a drug. This includes cases where the WHA determines that there is a pattern of illegal drug use and/or the WHA determines that there is reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

- a. The WHA will consider the illegal use of a drug to be a pattern if there is one or more incidents during the 36 months prior to admission. This includes, but is not limited to, criminal conviction or ticket of illegal drug use, illegal drug possession, and an uncompleted stay in a drug rehabilitation program.

- b. The WHA may waive this policy if;
 - 1. The individual has successfully completed a supervised drug rehabilitation program approved by the WHA. The household member would be required to supply written documentation from the approved agency...

3. A HOUSEHOLD MEMBERS ILLEGAL USE OF A DRUG OR PATTERN OF ILLEGAL DRUG USE MAY THREATEN THE HEALTH, SAFETY, OR RIGHT TO PEACEFUL ENJOYMENT OF THE PREMISES BY OTHER RESIDENTS

The WHA will deny participation in the program to applicants in cases where the WHA determines there is reasonable cause to believe that a household member's illegal use of a drug or the household member's pattern of illegal use of a drug use may pose a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.

- a. The WHA will consider the household member's illegal use of a drug or pattern of illegal drug use as a threat to others if;
 - 1. A criminal arrest resulting in conviction and/or ticket, during the 36 months prior to admission, included charges for illegal drug use such as, but not limited to, possession of an illegal drug.

- 2. The WHA will not waive this policy.

4. HOUSEHOLD MEMBER CONVICTION FOR MANUFACTURE OR PRODUCTION OF METHAMPHETAMINE ON THE PREMISES OF FEDERALLY ASSISTED HOUSING.

- a. The WHA will deny admission if any family member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

- b. The WHA will not waive this policy.

5. OTHER CRIMINAL ACTIVITY

The WHA will deny admission to a household when the WHA determines that any household member is currently engaged in, or has engaged in, within 36 months of admission;

- a. Drug-related criminal activity;
- b. Violent criminal activity;

- c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- d. Other criminal activity that may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the WHA.

Violent criminal activity stated above would include, but not be limited to:

- Murder
- Rape or similar sex-related crime
- Aggravated assault
- Kidnapping
- Arson
- Voluntary deviant sexual intercourse with a minor or any similar offense including corrupting the morals of a minor
- Voluntary or Involuntary Manslaughter
- Endangering the welfare of a child
- Possession of an illegal drug
- Possession with the intent to deliver an illegal drug
- Manufacture of any illegal drug
- Causing or risking a catastrophe
- Criminal Mischief (when the amount exceeds \$5,000.000)
- Burglary
- Robbery
- Felony theft by unlawful taking or disposition
- Felony Theft by deception
- Felony theft by extortion
- Felony theft of services
- Felony theft by failure to make required disposition of funds received

6. A HOUSEHOLD MEMBERS ABUSE OF ALCOHOL OR PATTERN OF ALCOHOL ABUSE MAY THREATEN THE HEALTH, SAFETY, OR RIGHT TO PEACEFUL ENJOYMENT OF THE PREMISES BY OTHER RESIDENTS

The WHA will deny participation in the program to applicants in cases where the WHA determines there is reasonable cause to believe that a household member's abuse of alcohol or the household member's pattern of alcohol abuse may pose a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.

- a. The WHA will consider the household member's abuse of alcohol or pattern of alcohol abuse a threat to others if;

1. A criminal conviction for a crime(s) specified in 5 above, during the 36 months prior to final eligibility determination, occurred while the individual was under the influence of an alcoholic beverage.
 2. The WHA will not waive this policy.
- b. The WHA will also consider the household member's abuse of alcohol or pattern of alcohol abuse a threat to the peaceful enjoyment of the premises by other residents if, on more than one occasion, in the 12 months prior to final eligibility determination
1. A criminal conviction and/or ticket is received, by a household member for a "disturbance" crime whereas the individual committed the crime under the influence of alcohol.
 2. The WHA may waive this policy if the individual has completed a WHA approved alcohol rehabilitation program after said conviction and/or ticket. Written documentation of completion from the approved rehabilitation program is required.

F. HOUSING AUTHORITY DISCRETION

In deciding whether to deny assistance because of action by members of the family, the WHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The WHA will use its discretion in reviewing, the extent of participation or culpability of individual family members, the length of time since the violation occurred. The WHA may also review the family's more recent history and the effects of denial assistance on other family members who were not involved in the action.

G. CONFIDENTIALITY OF CRIMINAL RECORDS

The WHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

- Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.
- The WHA will pursue fact-finding efforts as needed to obtain credible evidence.

H. DENIAL OF ASSISTANCE FOR MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the WHA to fulfill its responsibilities. The WHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the WHA to inspect the unit and appointments are made for this purpose.

An applicant who fails to keep an appointment, or to supply information required by a deadline without notifying the WHA may be sent a Notice of Denial for failure to provide required information, or for failure to allow the WHA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

1. Eligibility for Admissions
2. Verification Procedures
3. Voucher Issuance and Briefings
4. Housing Quality Standards and Inspections
5. Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are medical emergency, incarceration, and family emergency

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given one (1) opportunity before being issued a notice of denial for breach of a family obligation providing that the family did not make any attempt to contact the WHA. In the event the family contacts the WHA to request additional time and/or to reschedule an appointment, the family will be given one additional opportunity before being issued a notice of denial.

I. MISREPRESENTATION IN COLLUSION WITH OWNER

[24 CFR 982.551, 982.552 (c)]

If the family is intentionally, willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the WHA may deny assistance.

In making this determination, the WHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

J. SUITABILITY OF FAMILY [24 CFR 982.202(b)(1)]

The WHA will take into consideration any of the criteria for admission in this chapter, but may not otherwise screen for factors that relate to the suitability of the applicant family as tenants. It is the responsibility of the owner to screen the applicants as to their suitability for tenancy.

The owner may request, in writing, the results of a criminal background check and/or the names, addresses, and/or telephone numbers of known previous landlords.

The WHA will advise families how to file a complaint if they have been discriminated against by an owner. The WHA will advise the family to make a Fair Housing complaint. The WHA could also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

K. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between placement on the waiting list, final eligibility determination and participation in the Section 8 Housing Assistance Program may affect the family's eligibility or Total Tenant Payment. For example, if a family goes over the income limit prior to lease up, the applicant will not continue to be eligible for the program. They will be notified in writing of their ineligible status and their right to an informal review.

L. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See Chapter 19, "Complaints and Appeals" for additional information about reviews and hearings.

Chapter 3

ACCESSING AND USE OF CRIMINAL RECORDS

[24 CFR Part 5 Subpart J]

INTRODUCTION

This Chapter explains HUD regulations as well as WHA policy regarding the access and use of criminal records for the purpose of determining eligibility and continued participation in the Section 8 Program.

A. ADULT CONSENT

Each adult in an applicant household will be required to sign a consent that will allow;

1. Any law enforcement agency to release criminal conviction records concerning the household member to the WHA in accordance with HUD regulations.
2. The WHA to receive the criminal conviction records from a law enforcement agency.

B. LAW ENFORCEMENT AGENCY

Per HUD regulations, a law enforcement agency is defined as “The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records”.

C. USE OF INFORMATION RECEIVED FROM A CRIMINAL RECORD SEARCH

1. The WHA will use information obtained from a criminal record search to determine the eligibility of an applicant household in accordance with Chapter 2 of this Policy.
2. The WHA will use information obtained from a criminal record search to determine that the household is in accordance with a Family Obligation of the Section 8 program. If a criminal record search shows that an adult family member’s criminal act is a violation of a Family Obligation/Program Rules, the WHA may terminate assistance in accordance with Chapter 16 of this Policy.

D. DISCLOSURE OF A CRIMINAL BACKGROUND CHECK

1. The WHA may disclose the criminal conviction records that the WHA receives

from a law enforcement agency only as follows:

- a. To officers or employees of the WHA, or to authorized representatives of the WHA who have authorization to use the information received to determine eligibility to the program or to determine participant compliance of a Family Obligation of the Section 8 Program.
2. The WHA shall not release of copy of a criminal background check to other than as stipulated in 1a above and/or release of the contents of a criminal background check to other than as stipulated in 1a above.

E. OWNER ACCESS TO CRIMINAL BACKGROUND CHECKS

The owner of a property where an assisted family resides may terminate the Lease based on the arrest, charge, or conviction of a household member for drug-related criminal activity or violent criminal activity in accordance with Chapter 15 of this Policy. The owner is permitted to request the WHA obtain a criminal background check on an adult household member.

“Owner” is defined as “any person or entity with the legal right to lease or sublease a unit to a participant.”

1. OWNER ACCESS OF A CRIMINAL BACKGROUND CHECK

- a. An owner of a property where an assisted household resides may request, in writing, that the WHA conduct a criminal background check of an adult household member. The owner must submit, with his request, the WHA’s criminal consent form signed by the adult household member.
- b. The WHA will obtain a criminal background check from a law enforcement agency per the owner’s request. The WHA will use the information contained in the criminal background check to determine if the household is in compliance with the Family Obligations for continued participation in the program.
- c. The WHA must inform the owner if the criminal background check indicates that the adult has placed the household in violation of a Family Obligation due to drug-related criminal activity or violent criminal activity.
 1. The WHA will not release a copy of the criminal background check to the owner.

2. The WHA will not release the contents of the criminal background check to the owner but will only inform the owner if the household is in violation of a Family Obligation due to an adult family members involvement in drug-related or violent criminal activity.

2. OWNER USE OF INFORMATION RECEIVED

The Owner may, at his/her discretion, choose to terminate the Lease of an assisted household based on information received by the WHA. The owner, if choosing to terminate the Lease, must comply with Chapter 15 C of this Policy.

3. FEES CHARGED TO OWNERS

The WHA will impose a fee payable by the owner for any costs incurred by the WHA for the criminal background check requested by the owner. This fee will also include an administrative fee of \$10.00 for WHA employee time to process the owner request for the criminal background check.

- a. The owner will be notified, at the time of the request, of what law enforcement agency(ies) are regularly used by the WHA and the cost of a criminal background check by each agency.
- b. The owner does have the right to choose which law enforcement agency(ies) he/she wishes the criminal background check to be obtained from based on the fee he/she wishes to pay.
- c. The owner may not pass along to the participant the costs of a criminal background check.
- d. This fee will be waived by the WHA if the WHA had already initiated a criminal background check of the adult for determining eligibility to the program or to determine that the household is in compliance with a Family Obligation.

F. WHA USE OF CRIMINAL BACKGROUND CHECKS

1. As stated at the beginning of the Chapter, the WHA will request a criminal background check to determine eligibility of an applicant household. The WHA will also request a criminal background check to determine if a household member and/or person under the tenant's control has placed the family in violation of a Family Obligation due to involvement in drug-related criminal activity or violent criminal activity.

During the period of time that a household is participating in the Section 8 Program the WHA may have reason to believe that an adult household member or person under tenant's control is involved in drug-related criminal activity or violent criminal activity. The WHA may make the decision to obtain a criminal background check due to, but not limited to,

- a. An adult household member's arrest or charge being mentioned in any media source, such as newspaper, T.V. broadcast, radio broadcast, etc.
 - b. The participant's address being mentioned in any media source in connection with an adults arrest or charge. In the cases where the adult in question was not a household member, the WHA will have to determine if the adult was a "guest" or "other person under the tenant's control" in accordance with Glossary portion of this Policy.
 - c. Verbal or written report from a law enforcement agency.
 - d. Verbal or written report from a neighbor(s) of the participant.
2. In cases where the WHA decides to terminate the assistance of a participant the WHA must comply with Chapter 16 of this Policy. The WHA is required to notify the owner that the family's assistance is being terminated due to violation of a Family Obligation.
- a. The notice to the owner can specify the particular Family Obligation that has been violated such as crime by a family member.
 - b. The owner does have the right, and may choose, to issue a Lease termination to the family for violation of a Family Obligation.
 1. In this situation the WHA cannot release a copy of the criminal background check to the owner nor can the WHA release the contents of the criminal background check. The WHA can only verify that the participant has violated the Family Obligation due to drug-related criminal activity or violent criminal activity.

G. CONFIDENTIALITY OF CRIMINAL RECORDS

The WHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

- Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
- Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.
- The WHA will pursue fact-finding efforts as needed to obtain credible evidence.

Chapter 4

APPLYING FOR ADMISSION

[24 CFR 982.204]

INTRODUCTION

The policy of the WHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the WHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit the WHA to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any of the WHA's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

Applications can be obtained at our 11 Community Street, Elm Grove, West Virginia, office between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Applications will be mailed upon request.

The applicant participates in two phases of eligibility determination. The first eligibility determination is made when the applicant submits an application for assistance. If the family is determined "eligible" under this policy, then the family is placed on the waiting list. When the family reaches the top of the waiting list, WHA begins a "final determination of eligibility." At this point WHA ensures that verification of all HUD and WHA eligibility factors is current to determine the family's eligibility for participation in the Housing Assistance Program.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]

The WHA will utilize the following procedures for opening the waiting list.

When the WHA opens the waiting list, the WHA will advertise through public notice in the following newspapers, minority publications and media entities. Location(s), and program(s) for which applications are being accepted in the local paper of record, "minority" newspapers, and other media including:

- Wheeling News Register/Intelligencer
- West Virginia Department of Health & Human Resources
- Public service announcements through TCI Cable, WTOV Channel 9, WTRF Channel 7,
- WWVA New Radio, WOMP-FM Radio & WEGW - FM Radio
- The Green Tab Publication
- Housing Authority Bulletinboards
- Wheeling Homeless Coalition
- Wheeling Chapter of the NAACP

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that public housing residents must submit a separate application if they want to apply for section 8.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the WHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of preferences if any.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

Closing the Waiting List

The WHA may stop applications if there are enough applicants to fill anticipated openings for the next 24 months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

The WHA will announce the closing of the waiting list by public notice.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover and new allocations over the next 24 months. The WHA will give at least seven days' notice prior to closing the list. When the period for accepting applications is over, the WHA will add the new applicants to the list by date and time of application.

C. "INITIAL" APPLICATION PROCEDURES [24 CFR 982.204(b)]

The WHA will utilize an application form. The information is to be filled out by the applicant whenever possible. All adult household members must sign the application forms as indicated. An application will not be placed on the waiting list unless signed by all adult household members. To provide specific accommodation for persons with disabilities, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant and if requested it will be mailed in an accessible format.

The purpose of the application is to permit the WHA to preliminarily assess family eligibility or ineligibility and to determine placement on the waiting list. The application will contain questions designed to obtain the following information:

- Names of adult members and age of all members
- Sex and relationship of all members
- Street Address and phone numbers
- Mailing Address (If PO Box or other permanent address)
- Amount(s) and source(s) of income received by household members
- Information regarding disabilities to determine qualifications for allowances and exclusions
- Social Security Numbers
- Race/ethnicity
- Citizenship/eligible immigration status
- Arrests and/or Convictions for Drug Related or Violent Criminal Activity
- Request for Specific Accommodation needed to fully utilize program and services
- Previous address
- Current and previous landlords names and addresses
- Emergency contact person and address
- Program integrity questions regarding previous participation in HUD programs
- Birth Certificates
- Personal Declaration Form

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Applications will not require an interview. The information on the application will not be verified until the applicant has been selected for final eligibility determination. Final eligibility will be determined when the full application process is completed and all information is verified.

D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform the WHA in writing of changes in address. Applicants are also required to respond to requests from the WHA to update information on their application and to determine their interest in assistance.

If after a review of the application the family is determined to be preliminarily eligible, they will be notified in writing, or in an accessible format upon request as a reasonable accommodation. This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the application, the WHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. See Chapter 19, "Complaints and Appeals."

E. TIME OF SELECTION [24 CFR 982.204, 5.410]

When funding is available, families will be primarily selected from the waiting list by date and time of application.

When there is insufficient funding available for the family at the top of the list, the WHA will not admit any other applicant until funding is available for the first applicant. Applicants will not be passed over on the waiting list, except to the extent Targeted Selection (TS) is necessary (see Chapter 4, A and E for more on TS).

Based on the WHA's turnover and the availability of funding, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on waiting list sequence, and targeting goals and requirements.

F. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in Chapter Seven. Family composition, income, allowances and exclusions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information, including the existence of any criminal history, will be verified. Verifications may not be more than 60 days old at the time of participation in the Housing Assistance Program.

G. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR

982.201]

After the verification process is completed, the WHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the WHA, and the current eligibility criteria in effect. If the family is determined to be eligible, the WHA will mail a notification of eligibility. A briefing will be scheduled for the issuance of assistance and the family's orientation to the housing program.

Chapter 5

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the WHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

By maintaining an accurate waiting list, the WHA will be able to perform the activities that ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. WAITING LIST [24 CFR 982.204]

Except for Special Admissions, applicants will be selected from the WHA waiting list in accordance with policies defined in this Administrative Plan.

The WHA will maintain information that permits proper selection from the waiting list. The waiting list contains the following information for each applicant listed:

- Applicant Name
- Family Unit Size (number of bedrooms family qualifies for under WHA subsidy standards)
- Date and time of application
- Racial or ethnic designation of the head of household
- Annual Income at time of application
- Targeted program qualifications
- Census Tract Number

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

1. The application will be a permanent file.
2. Applications will be maintained with applicants having a local preference being placed at the top of the waiting list. All other applications will be sorted by date and time sequence, with a secondary sort listing by income (in order that income targeting requirements may be met), and a third sort listing by census tract number, when necessary, to achieve de-concentration objectives.

3. Pre-October 1, 1999, applicants meeting other standard eligibility criteria, must also meet “Very Low Income” eligibility requirements as established by HUD. Any exceptions to these requirements, other than those outlined in Chapter 2, “Eligibility for Admission,” must have been approved previously by the HUD Field Office.

Post October 1, 1999, all otherwise eligible applicant families must qualify at a minimum, as families with annual income at or below 80% of the area median income. In compliance with Federal income targeting requirements, 75% of all new admissions to WHA’s Section 8 program will be comprised of Extremely Low Income families (annual income at or below 30% of area median income).

Special Admissions [24 CFR 982.54(d)(e), 982.203]

Applicants who are admitted under Special Admissions, rather than from the waiting list, are not maintained on separate lists.

B. LOCAL PREFERENCE FOR DISPLACEMENT DUE TO DEMOLITION OR DISPOSITION OF A PUBLIC HOUSING OR INDIAN HOUSING PROJECT

An applicant family who is displaced because of demolition or disposition of a public or Indian housing project will be selected from the waiting list before any other qualified applicant.

This preference applies to the Lincoln Homes and Grandview Manor residents who are being displaced due to demolition or their complexes as part of the HOPE VI grant.

Lincoln Homes applicants will have preference over Grandview Manor applicants as Lincoln Homes will be the first complex to be demolished as a result of HOPE VI.

C. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the WHA will reserve a minimum of seventy-five (75%) percent of its Section 8 new admissions for families whose income does not exceed thirty (30%) percent of the area median income. HUD refers to these families as “extremely low-income families.”

The WHA’s income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The WHA is also exempted from this requirement where the WHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

D. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a WHA program funding that is targeted for specifically named families, the WHA will admit these families under a Special Admission procedure.

Special Admissions families will be admitted outside of the regular waiting list process. They are not required to be on the program waiting list; however, if the program or situation includes more than one person/family, a separate waiting list will be kept by date and time, and needs/criteria specific to the program to assure the fair and orderly provision of assistance under this Special Admissions Section. The WHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
2. For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
3. A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term; and
4. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

E. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are not maintained on separate waiting lists.

F. CROSS-LISTING OF PUBLIC HOUSING AND SECTION 8 [24 CFR 982.205(b)]

The WHA will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the WHA will offer to place the family on both lists. If the public housing waiting list is open at the time an applicant applies for Section 8, the WHA will offer to place the family on one or more of the public housing's site-based waiting lists.

G. ORDER OF SELECTION [24 CFR 5.415, 982.207(e)]

The order of selection is primarily based on applicants qualifying for the local preference having priority. All other applications will be sorted by date and time of application. However, in order to admit the proper percentages of extremely low income (ELI) families per Federal income targeting mandates, or to achieve de-concentration goals, ELI families or families from a certain census tract may be selected (by date and time of application within the priority group) ahead of other families. The Section 8 Coordinator, who monitors program lease-up, shall determine the need for, and initiate, WHA's targeted selection (TS) procedure. Records shall be maintained by the Director of Section 8 demonstrating and justifying the need for TS, as well as the process and results.

H. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The WHA will, at least one time each year, send applicants an update inquiry to ensure the applicant's continued interest in, and need for, housing. An applicant who does not return the inquiry by the requested deadline date, will have his/her name removed from the Waiting List.

An extension of seven (7) days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If an applicant fails to respond to a mailing from the WHA will notify the applicant, in writing, that their application has been declared Inactive and placed on the appropriate list.

If a letter is returned by the Post Office without a forwarding address, the applicant will be removed without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

Purging of the Waiting List

The waiting list will be purged as needed by a mailing to all applicants, on the waiting list for six or more months, to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Applicants are required to contact the WHA in writing within fourteen (14) days to confirm their continued interest. The WHA will give written notification to all applicants who fail to respond at the required times. If they fail to respond to this notification, they will be removed from the waiting list.

The WHA allows a grace period of fourteen (14) days after completion of the purge. Applicants who respond during this grace period will be reinstated.

If the family has refused assistance their name will be removed from the waiting list.

Chapter 6

SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that HA's establish subsidy standards for the determination of bedroom size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. This Chapter explains the basic subsidy standards that will be used to determine the bedroom size for various sized families when they are selected from the waiting list, as well as the WHA's procedures when a family's size changes, or a family selects a unit size that is different from the Voucher.

A. DETERMINING VOUCHER SIZE [24 CFR 982.402]

The WHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. The WHA does not determine who shares a bedroom/sleeping room, but rather, follows the guidelines in this section to determine the appropriate Voucher Payment Standard that will apply to the family.

In the application of these subsidy standards, an "adult" means a person 18 years of age or older.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the WHA assigns one bedroom to two people within the following guidelines:

1. Persons of different generations (greater than ten (10) years difference between ages), persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom.
2. Foster children will be included in determining unit size only if they will be in the unit for more than six months.
3. Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendants' family.
4. Space will not be provided for a family member, other than a spouse, who will be absent more than 50% of the time, such as a member who is away in the military.

5. A pregnant woman, with no other family members, will be treated as a two-person family, and will be issued a two(2) bedroom Voucher.

GUIDELINES FOR DETERMINING VOUCHER SIZE

Certificate/Voucher Size	Persons in Household (Minimum #)	Persons in Household (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

B. EXCEPTIONS TO SUBSIDY STANDARDS (24 CFR 982.403(a) & (b))

The WHA shall grant exceptions from the subsidy standards if the family requests and the WHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members.

The WHA will grant an exception upon request as an accommodation for persons with disabilities. Circumstances may dictate a larger size than the subsidy standards permit when persons cannot share a bedroom because of a need, such as a:

Verified medical or health reason; or

Elderly persons or persons with disabilities who may require a live-in attendant.

The family may request a larger sized voucher than indicated by the WHA's subsidy standards. Such request must be made in writing within seven (7) days of the WHA's determination of bedroom size. The request must explain the need or justification for a larger bedroom. Documentation verifying the need or justification will be required as appropriate.

If the WHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size so that the family is not penalized.

Requests based on health related reasons must be verified by a doctor.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the WHA subsidy standards. If an applicant requires a change in the voucher size, the above references guidelines will apply.

Changes for Participants

The members of the family residing in the unit must be approved by the WHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the WHA within fourteen days. The above referenced guidelines will apply.

Underhoused and Overhoused Families

If a unit does not meet HQS space standards due to an increase in family size (unit too small), the WHA will issue a new voucher and assist the family in locating a suitable unit.

C. UNIT SIZE SELECTED

The family may select a different size dwelling than that listed on the Voucher. There are three criteria to consider:

1. **Subsidy Limitation**: The HA will apply the Payment Standard for the smaller of (1) the bedroom size shown on the Voucher or (2) the size of the actual unit selected by the family.
2. **Utility Allowance**: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.
3. **WHA Housing Quality Standards**: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

HQS GUIDELINES FOR UNIT SIZE SELECTED

	<u>Maximum # of in Household</u>
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 7

FACTORS RELATED TO TOTAL TENANT PAYMENT DETERMINATION/FAMILY RENT TO OWNER/PAYMENT STANDARDS

[24 CFR Part 5, Subparts E and F; 982.153, 982.317, 982.505, 982.505(b)(1), 982.551]

INTRODUCTION

The WHA will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines Payment Standards, determination of Total Tenant Payment (TTP), Family Rent to Owner, and allowable expenses and exclusions to be subtracted from Annual Income and how the presence or absence of household members may affect the (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The WHA's policies in this Chapter address those areas that allow the WHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP and Family Rent To Owner.

A. TOTAL TENANT PAYMENT (TTP)

Total Tenant Payment is the highest of the following amounts, rounded to the nearest dollar:

1. 30 percent of the family's monthly adjusted income;
2. 10 percent of the family's monthly gross income; or
3. The WHA's minimum rent (The minimum rent is currently zero (-0-))

B. PAYMENT STANDARDS

The payment standard is the maximum subsidy payment for a family (before deducting the family contribution) that the WHA will pay on the family's behalf. The Payment Standard has been established for each bedroom size and is based on 105% of HUD's Fair Market Rent schedule for each particular bedroom size. The Payment Standard used for each participating family is determined by their Voucher size.

C. UTILITY ALLOWANCE

[24 CFR 982.153, 982.517]

The Utility Allowance Schedule used for Vouchers will also be used for Certificates during the transition to the Family Choice Voucher Program. The WHA will maintain an up-to-date utility allowance schedule.

The Utility Allowance is intended to assist with the cost of utilities not included in the rent. The Utility Allowance is subtracted from the Total Tenant Payment to establish the family's rent to the landlord. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

A tenant-paid air conditioning allowance will be provided throughout our jurisdiction.

The WHA will review the Utility Allowance schedule annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the Utility Allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved Utility Allowance schedule is given to families at the briefing session, along with their Voucher. The utility allowance is based on the actual unit size selected.

Where families provide their own range and refrigerator, the WHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

Where the utility allowance exceeds the family's Total Tenant Payment, in the Certificate Program, the WHA will provide a Utility Reimbursement Payment check to the family each month to assist in the cost of the utilities. The check will be made out directly to the tenant, unless the tenant has requested or agreed to have the payment made directly to the utility company, and has furnished the appropriate signature of release and account number information.

D. GROSS RENT

The sum of the Contract Rent, (monthly rent received by owner), and the applicable utility allowance for utilities not included in the Contract Rent.

E. FAMILY RENT TO OWNER

To determine the family rent to owner, the WHA must first calculate the maximum amount of housing assistance payments that the WHA can pay the owner on behalf of the family. The

WHA shall pay a monthly housing assistance payment (HAP) on behalf of the family that is equal to the lower of:

1. The payment standard for the family minus the Total Tenant Payment (TTP). This applies when the gross rent (Contract Rent plus Utility Allowance) is at or below the payment standard; or
2. The gross rent minus the Total Tenant Payment (TTP). This applies when the gross rent exceeds the payment standard.

In #1 above, the family's portion of rent to owner would be based on 30% of the family's adjusted annual income.

In #2 above, the family would have to pay more than 30% of adjusted annual income for rent and utilities. In the event that the gross rent of the requested unit would result in the family having to pay more than 40% of adjusted income for rent and utilities, the WHA must disapprove this unit for this family and provide them with instructions and materials to search for another unit. HUD regulations require that the WHA disapprove a unit if it is not affordable for the family, meaning the family's rent to owner cannot exceed 40% of the family's adjusted income.

If the family, to rent the requested unit, would have to pay more than 30% of adjusted income but no more than 40% of adjusted income, the family would be promptly notified of same and informed of their choice to accept this unit, and pay more than 30% of adjusted income, or search for another unit where perhaps the gross rent would not exceed the payment standard thus making the family's portion of the rent to owner no more than 30% of adjusted annual income.

F. ANNUAL INCOME AND DEDUCTIONS [24 CFR 5.609]

1. ANNUAL INCOME is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section or income that is specifically excluded by other federal statute.

If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) or the PHA believes that past income is the best available indicator of expected future income, the PHA will annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

Annual income includes:

1. The full amount before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.

2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

When the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of Social Security or SSI benefits is dealt with later in this section.

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.
6. All welfare assistance payments received by or on behalf of any family member. (24CFR Part 5(b)(6) contains rules applicable to "as-paid" States).
7. Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
8. Included in annual income will be Imputed Welfare Income. Imputed welfare income is the amount of annual income not actually received by a Family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. A specified welfare reduction is defined as:

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

family member in connection with the welfare program; or

because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

the amount of the imputed welfare income is offset by the amount of additional income received by the family after the time the sanction was imposed. When the specified welfare reduction is imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

2. EXCLUSIONS FROM ANNUAL INCOME (24 CFR Part5)

Annual income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation) capital gains, and settlement for personal property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide, provided the person meets the definition of a live-in aide.
6. The full amount of student financial assistance paid directly to the student or the educational institution.
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Amounts received under HUD-funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments, and child care vouchers for the duration of the training; (THIS EXCLUSION WILL APPLY UNLESS REMOVED FROM FEDERAL REGULATIONS AS MANDATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT)
9. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).

10. Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred for items such as special equipment, clothing, transportation, and child care, to allow participation in a specific program.
11. Resident services stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA 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, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.
12. Compensation from State or local employment training programs and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for a limited period as determined in advance by the PHA.
13. Disallowance of increase in annual income due to previously unemployed for a qualified family. This disallowance only applies to household participating in the Housing Choice Voucher Program. (See the definition of *Previously Unemployed* and *Qualified Family* in this Glossary of Terms.) The disallowance of increase in annual income for qualified families will be as follows:
 - a. **Initial twelve-month exclusion.** During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA will exclude from annual income any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.
 - b. **Second twelve-month exclusion and phase in.** During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the WHA must exclude from annual income of a qualified family 50% of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

The disallowance of increased income of an individual family member who is a person with disabilities is limited to a lifetime 48-month period. The 48-month period begins the

month of the initial exclusion. Neither exclusion period will exceed 12 months whether the exclusion period should run consecutively or concurrently.

The disallowance of increase in income as a result of employment, as described in this section, does not apply for purposes of admission to the program.

14. Temporary, non-recurring, or sporadic income (including gifts).
15. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)
16. Earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household and spouse).
17. Adoption assistance payments in excess of \$480 per adopted child.
18. Incremental earnings and benefits resulting to any family member from participation in 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.
 - a. State, or local employment training programs are a program providing employment training and supportive services that: (1) is authorized by a Federal, State, or local law; (2) is funded by the Federal, State, or local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.
16. Deferred periodic payments of Supplemental Security Income and Social Security benefits that are received in a lump sum payment.
17. 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.
18. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
19. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (A notice will be published by HUD in the Federal Register identifying the

benefits that qualify for this exclusion).

The following benefits are excluded by other Federal Statute:

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973;

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

- The Retired Senior Volunteer Program (RSVP)
- Foster Grandparent Program (FGP)
- Senior Companion Program (SCP)
- Older American Committee Service Program

National Volunteer Antipoverty Programs such as:

- VISTA
- Peace Corps
- Service Learning Program
- Special Volunteer Programs

Small Business Administration Programs such as:

- National Volunteer Program to Assist Small Businesses
 - Service Corps of Retired Executives
- c. Payments received under the Alaska Native Claims Settlement Act. [43 USE 1626 (a)]
 - d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
 - e. Payments or allowances made under the Department of HHS' Low Income Home Energy Assistance Program. [42 USC 8624 (f)]
 - f. Payments received under programs funded in whole or in part under the Job Training Partnership Act. (29 USC 1552 (b))
 - g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians. (Pub. L. 94-540)

- h. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08) or from funds held in trust for an Indian Tribe by the Secretary of Interior.
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.
- j. Payments received under programs funded under Title V of the Older Americans Act of 1965. [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- k. Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established in the *In-Re Orange* Product Liability litigation.
- l. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and Development Block Grant Act of 1990. (42 USC 9858q)
- m. Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j)
- n. The earned income of a family who has been on welfare assistance at least the previous six months, been unemployed the entire previous 12 months,

3. **ADJUSTED INCOME** means annual income of the members of the family residing or intending to reside in the dwelling unit, after making the following deductions:

- A. **Child Care Expenses**: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts of income deducted must be for unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be

reasonable by the PHA when the expense is incurred to permit education.

- B. Dependent Deduction: An deduction of \$480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.
- C. Elderly/Disabled Household The income deduction is \$400 *per household*.
- D. Handicapped Expenses: An income deduction is allowed for un-reimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit a family member(s), including the handicapped/disabled member to be employed. In no event may the amount of the income deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for visually handicapped, and equipment added to cars and vans to permit their use the handicapped or disabled family member.

- a. For non-elderly families and elderly families without medical expense: The amount of the income equals the cost of all un-reimbursed expenses for handicapped care and equipment, less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
 - b. For elderly families with medical expenses: The amount of the income exclusion equals the cost of all un-reimbursed expenses for handicapped care and equipment less three percent (3%) of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.
5. Medical Expenses For Elderly/Disabled Households: Un-reimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed including, but are not limited to, services of physicians and other health care professionals; services of health care facilities; insurance premiums (including the cost of Medicare); prescription and non-prescription medicines; transportation to and from treatment; dental expenses; eyeglasses; hearing aids and batteries; attendant care (unrelated to employment of family members); and payments on accumulated medical bills. For the expense to be considered by the WHA for the purpose of determining a deduction from the income, the expenses claimed must be verifiable. The deduction is calculated as follows:

For elderly families without handicapped expenses: The amount of the allowable income deduction shall equal total allowable medical expenses less 3 percent of annual income.

For elderly families with both handicapped and medical expenses: The amount of handicapped assistance is calculated first, then medical expenses are added.

"Minimum Rent" and Minimum Family Contribution

Minimum tenant rent contribution in the Moderate Rehabilitation Program and Voucher program is zero.

G. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT

[24 CFR 982.54(d)(10), 982.317, 982.551]

The WHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the WHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Temporarily absent is defined as away from the unit for more than thirty (30) days.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and due to service in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to report changes in family composition. The WHA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for three (3) consecutive months or ninety (90) days in a 12 month period except as otherwise provided in this Chapter.

Absence Due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the WHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 120 consecutive days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the WHA's "Absence of Entire Family" policy.

Absence Due to Full-time Student Status

Full-time student(s) (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Voucher size.

Absence Due to Incarceration

If the sole member is incarcerated for more than one hundred twenty (120) consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for four (4) consecutive months or one hundred twenty days in a twelve month period.

Absence of Children Due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the WHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than three (3) months from the date of removal of the child/children, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the WHA's subsidy standards.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the WHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

Families are required to notify the WHA before they move out of a unit and to give the WHA information about any family absence from the unit.

Families must notify the WHA if they are going to be absent from the unit for more than thirty (30) consecutive days.

If the entire family is absent from the assisted unit for more than thirty (30) consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

If it is determined that the family is absent from the unit, the WHA will not continue assistance payments.

"Absence" means that no family member is residing in the unit.

In order to determine if the family is absent from the unit, the WHA may:

1. Write letters to the family at the unit
2. Telephone the family at the unit
3. Interview neighbors
4. Verify if utilities are in service
5. Check with the post office

A person with a disability may request an extension of time as an accommodation, provided that the extension does not go beyond the HUD-allowed 180 consecutive calendar days limit.

If the absence which resulted in termination of assistance was due to a person's disability, and the WHA can verify that the person was unable to notify the WHA in accordance with the family's responsibilities, and if funding is available, the WHA may reinstate the family as an accommodation if requested by the family.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the WHA will treat that adult as a temporary authorized visitor for the first ninety (90) days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the WHA will review the status at thirty (30) day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the WHA will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit as a visitor until a determination of custody is made.

When the WHA approves a person to reside in the unit as caretaker for the child/children, the income should be counted pending a final disposition. The WHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than four (4) months, the person will be considered permanently absent.

Visitors

Any adult not included on the HUD 50058 who has been in the unit more than fourteen (14) consecutive days without WHA approval, or a total of thirty (30) days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the WHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to ninety (90) days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than one hundred eighty (180) days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and WHA

Reporting changes in household composition to the WHA is both a HUD and a WHA requirement.

The family obligations require the family to request WHA and owner approval to add any other family member as an occupant of the unit and to inform the WHA of the birth, adoption or court-awarded custody of a child. Any adult wishing to be added to an assisted household is subject to the eligibility criteria as specified in Chapter 2 of this Policy. The family must request prior approval of additional household members in writing.

If the family does not obtain prior written approval from the WHA, any person the family has permitted to move in will be considered an unauthorized household member.

Families are required to report any additions to the household in writing to the WHA within fourteen (14) days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the WHA

Reporting changes in household composition is both a HUD and a WHA requirement.

If a family member leaves the household, the family must report this change to the WHA in writing within fourteen (14) days of the change and certify as to whether the member is temporarily absent or permanently absent.

The WHA will conduct an interim evaluation for changes that affect the Total Tenant Payment in accordance with the interim policy.

H. AVERAGING INCOME

When Annual Income cannot be anticipated for a full twelve months, the WHA may average known sources of income that vary to compute an annual income.

If there are bonuses or overtime that the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.

The method used depends on the regularity, source and type of income.

I. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete the WHA Subsistence Form or any other Certification required by WHA within the allotted time frame.

J. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the WHA will calculate the income by excluding the income of the person permanently confined to the nursing homes and give the family no exclusions for medical expenses of the confined family member, which would result in a lower payment by the family.

K. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment.

Any contribution or gift received every three (3) months or more frequently will be considered a "regular" contribution or gift, unless the amount is less than one hundred dollars (\$100) per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See Chapter 7, "Verification Procedures," for further definition.)

If the family's expenses exceed its known income, the WHA will question the family about contributions and gifts.

L. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the WHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.

The WHA will accept as verification that the family is receiving an amount less than the award if:

1. The WHA receives verification from the agency responsible for enforcement or collection.
2. The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

M. LUMP-SUM RECEIPTS [24 CFR 5.609]

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, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments that have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump-sum receipt the WHA uses a calculation method which calculates retroactively.

Retroactive Calculation Methodology

1. The WHA will go back to the date the lump-sum payment was effective, or to the date of admission, whichever is closer.
2. The WHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the WHA. Please see Chapter 17, Section A on Payment Agreements and their requirements.

The family must pay this "retroactive" amount to the WHA in a lump sum.

The amount owed by the family is a collectible debt even if the family becomes unassisted.

Attorney Fees

The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

N. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

1. While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
2. After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

O. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The WHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The WHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The WHA's minimum threshold for counting assets disposed of for less than fair market value is five thousand dollars (\$5,000). If the total value of assets disposed of within a one-year period is less than five thousand dollars (\$5,000), they will not be considered an asset.

P. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

"Mixed" families that were participants on June 19, 1995, and that do not qualify for continued assistance must be offered prorated assistance. (See Chapter 12, "Recertifications.") Applicant mixed families are entitled to prorated assistance. Families that become mixed after June 19, 1995, by addition of an ineligible member are entitled to prorated assistance.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and by multiplying the percent of the family members who actually are eligible. Total Tenant Payment is the gross rent minus the prorated assistance.

Q. REDUCTION IN BENEFITS

If the family's benefits, such as social security or SSI, is reduced through no fault of the family, the WHA will use the net amount of the benefit in calculating the formula rent.

If the family's TANF benefit is reduced for other than a "Specified Welfare Benefit Reduction," the WHA will use the net amount of the benefit in calculating the formula rent. A specified welfare benefit reduction does not include the following, therefore, would not be counted in determining the Total Tenant Payment:

1. Loss of benefits due to expiration of a lifetime or other time limit on the payment of welfare benefits;
2. Loss of benefits because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

3. Loss of benefits because a family member has not complied with other welfare agency requirements not listed in the “Imputed Welfare Income” criteria listed below.

If the family’s benefits were reduced due to family error, omission, non-compliance with State work/welfare requirements, or misrepresentations, the WHA will use the gross amount of the benefit in calculating the formula rent.

Chapter 8

VERIFICATION PROCEDURES

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the HA. HA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible. Applicants and program participants must provide true and complete information to the WHA whenever information is requested. The WHA's verification requirements are designed to maintain program integrity. This Chapter explains the WHA's procedures and standards for verification of income, assets, allowable deductions, family status, and changes in family composition. The WHA will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516]

The WHA will verify information through the four methods of verification acceptable to HUD in the following order:

1. Third-Party Written
2. Third-Party Oral
3. Review of Documents
4. Certification/Self-Declaration

The WHA will allow two (2) weeks for return of third-party verifications and two (2) weeks to obtain other types of verifications before going to the next method, if time permits considering applicable deadlines. The WHA will document the file as to why third party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, they are valid for one hundred twenty (120) days from date of receipt.

Third-Party Written Verification

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first class mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered third party written verifications.

Third-Party Oral Verification

Oral third-party verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third party verification is not available, the WHA will compare the information to any documents provided by the Family. If provided by telephone, the WHA must originate the call.

Review of Documents

In the event that third-party written or oral verification is unavailable, or the information has not been verified by the third party within thirty (30) days, the WHA will notate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed or Person Contacted form or document.

The WHA will accept the following documents from the family provided that the document is such that tampering would be easily noted:

- Printed wage stubs
- Computer print-outs from the employer
- Signed letters (provided that the information is confirmed by phone)
- Other documents noted in this Chapter as acceptable verification

The WHA will accept faxed documents.

The WHA will not accept photo copies, unless the original is unavailable. Acceptance is at the discretion of WHA.

If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, the WHA will utilize the third party verification.

Self-Certification/Self-Declaration

When verification cannot be made by third-party verification or review of documents, families will be required to submit a self-certification.

Self-certification means a notarized statement.

B. RELEASE OF INFORMATION [24 CFR 5.230]

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the WHA or HUD.

C. COMPUTER MATCHING

Where allowed by HUD and/or other State or local agencies, computer matching will be done when possible and practicable. Computer matching can be completed by HUD or the WHA through independent verification procedures. Independent verification of information will be obtained through a Federal agency or from a State Wage Information Collection Agency (SWICA).

The participant family is required to promptly furnish to the WHA any letter or other notice by HUD to a member of the family that provides information concerning the amount or verification of family income. The WHA would then be required to verify the accuracy of the income information received from the family and change the amount of payment or terminate assistance, as appropriate, in accordance with Chapter 15 and Chapter 17 of this Policy.

D. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in preceding two years.

Child care expense where it allows an adult family member to be employed or to further his/her education.

Total medical expenses of all family member in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family which allow an adult family member to be employed.

Legal identity of all family members (State issued photo identification)

Disability for determination of preferences, allowances or exclusions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members

Familial and/or status when needed for head or spouse definition.

E. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods and information the WHA will use to verify various types of income, in order of acceptability.

Employment Income

WHA verification forms requesting the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. WHA Employment Verification Form completed by the employer.
2. Check stubs or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the WHA will require the most recent federal income tax statements.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification include, in this order:

1. WHA Benefit Verification Form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.

Unemployment Compensation

Acceptable methods of verification include, in this order:

1. WHA Verification Form completed by the unemployment compensation agency.
2. Computer printouts from unemployment office stating payment dates and amounts.
3. Payment stubs.

Welfare Payments, General Assistance, and/or Specified Welfare Reductions

Acceptable methods of verification include, in this order:

1. WHA Verification Form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action.
4. Computer-generated list of recipients from Welfare Department.

Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules; or
2. If payments are irregular, the family must provide a statement from the agency responsible for enforcing payments to show that the family has filed for enforcement, and if possible, detailing the actual payment record for the past three (3) to twelve (12) months.

Net Income from a Business

In order to verify the net income from a business, the WHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
 - Schedule C (Small Business)
 - Schedule E (Rental Property Income)
 - Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
3. Audited or unaudited financial statement(s) of the business.

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the WHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

The family is required to provide a copy of its State and Federal tax return, or a signed, written declaration that none was filed.

The WHA will conduct interim re-evaluations every ninety (90) days and require the participant to provide a log with the information about customers and income, until the WHA is satisfied that they have established an adequate average income amount. WHA reserves the right to re-

exam the tenant's income when it deems necessary to re-evaluate the accuracy of the average income determination.

If child care services were terminated, a third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a self-certification which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The WHA may request information from the State Employment Development Department.

The WHA may request/ run a Social Security Department and/ or credit report if for any reason it is suspected that the family has an unreported income source.

Full-time Student Status

Only the first \$480 of the earned income of full time students, other than head or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students is not counted towards family income.

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

F. INCOME FROM ASSETS [24 CFR 982.516]

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit, or WHA Verification Forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, the WHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the certification or decertification.

Net Rental Income from Property Owned by Family

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

G. VERIFICATION OF ASSETS

Family Assets

The WHA will require the necessary information to determine the current cash value, (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.

2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stock broker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deduced from assessment.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.

Assets Disposed of for Less than Fair Market Value (F.V.) During Two Years Preceding Effective Date of Certification or Recertification

1. For all Certifications and Recertifications, the WHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.
2. If the family certifies that they have disposed of assets for less than fair market value, certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

H. IMPUTED WELFARE INCOME

Included in annual income will be Imputed Welfare Income. Imputed welfare income is the amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included the family's annual income for purposes of determining rent. A specified welfare reduction is defined as:

A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

If the resident claims that the WHA has not correctly calculated the amount of the imputed welfare income and the WHA denies the family's request to modify

such amount, the WHA shall give the resident written notice of such denial.

The written notice shall state the basis for the determination of the amount of imputed welfare income. The notice shall also state that if the resident does not agree with the WHA determination the resident can request an informal hearing on the WHA's decision.

The Housing Authority is responsible for determining the amount of the imputed welfare income but is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures.

The amount of the imputed welfare income will be offset by the amount of additional income a family receives after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

I. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

[24 CFR 982.516]

Child Care Expenses

1. Written verification from the person who receives the payments is required. If the child care provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with disability will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on

medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
3. Written confirmation from the Social Security Administration's written of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
4. For attendant care:
 - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
 - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
5. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
6. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
7. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. WHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
8. The WHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)]

1. In All Cases:
 - a. WHA Verification Form or other appropriate certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed; and

- b. Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
 - a. Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided; and
 - b. Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
 - a. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus; and
 - b. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

J. VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

Verification of Legal Identity

In order to prevent program abuse, the WHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Department of Motor Vehicles Identification Card

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

- Certificate of Birth
- Adoption papers
- Custody agreement

- Health and Human Services ID

Verification of Marital Status

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

Familial Relationships

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

Verification of guardianship is:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the WHA will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, drivers license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The WHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the WHA hearing is pending.

1. Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The WHA will not require citizens to provide documentation of citizenship.
2. Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
3. Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The WHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the WHA must request within ten days that the INS conduct a manual search.
4. Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
5. Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide: If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an

ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Time of Verification: For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination.

For participants, it is done at the first regular recertification after June 19, 1995. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in.

Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial WHA does not supply the documents, the WHA must conduct the determination.

Extensions of Time to Provide Documents

The WHA will grant an extension of thirty (30) days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The WHA may verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the WHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for twenty-four (24) months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, they must apply for a Social Security Card and a copy of the Social Security application will be accepted in the interim.

New family members will be required to produce their Social Security Card or provide the substitute documentation described above. This information is to be provided at the time the change in family composition is reported to the WHA.

Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

Chapter 9

VOUCHER ISSUANCE AND BRIEFINGS

[24 CFR 982.301, 982.302]

INTRODUCTION

The WHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the WHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, WHA procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF ASSISTANCE [24 CFR 982.54(d)(2)]

When funding is available, the WHA will provide assistance to applicants whose eligibility has been determined. The provision of assistance must be within the dollar limitations set by the ACC budget.

The amount of assistance provided must ensure that the WHA stays as close as possible to 100 percent lease-up. The WHA performs a monthly calculation manually to determine the amount of assistance that can be provided.

The WHA may over-issue housing assistance only to the extent necessary to meet leasing goals. All assistance which is over-issued must be honored. If the WHA finds it is over-leased, it must adjust future provision of assistance in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups, whenever possible. Families who attend group briefings and still have the need for individual assistance will be referred to the Director of Section 8.

Briefings for different programs will be held separately. Briefings will be conducted in English.

The purpose of the briefing is to explain the documents in the prospective participant's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The WHA will not provide assistance to a family unless the household representative has attended a briefing and signed the Voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two (2) scheduled briefings, without prior notification and approval of the WHA, may be denied admission based on failure to supply information needed for certification. The WHA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]

The documents and information provided in the briefing packets for the Voucher program will comply with all HUD requirements. The WHA also includes other information and/or materials that are not required by HUD.

The family is provided with the following information and materials:

1. The term of the Voucher, and the WHA policy for suspensions and requests for extensions to the term of the Voucher.
2. A description of the method used to calculate the assistance payment, payment standards, and information on utility allowances.
3. How the maximum allowable rent is determined.
4. Guidance and materials to assist the family in selecting a unit, such as proximity to employment, public transportation, schools, shopping, and the accessibility of services. Guidance will also be provided to assist the family to evaluate the prospective unit, such as the condition of a unit, whether the rent is reasonable, cost of tenant-paid utilities, and energy efficiency of the unit.
5. The boundaries of the geographical area in which the family may lease a unit including an explanation of portability.
6. The HUD Model lease and HUD lease addendum (HUD Form 52635-L).
7. The Request for Tenancy Approval form and a description of the procedure for requesting approval for a unit.

8. The WHA policy on providing information about families to prospective owners.
9. The Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected.
10. The HUD brochure "A Good Place to Live" on how to select a unit that complies with HQS.
11. The HUD brochure on lead-based paint.
12. Information on federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The WHA will also include the pamphlet "Fair Housing: It's Your Right" and the phone numbers of the local fair housing agency and the HUD enforcement office.
13. A list of landlords or other parties willing to lease to assisted families or help in the search.
14. If the family includes a person with disabilities and a list of available accessible units known to the WHA.
15. The Family Obligations under the program.
16. The grounds on which the WHA may terminate assistance for a participant family because of family action or failure to act.
17. WHA informal hearing procedures including when the WHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
18. An Owner's Handbook, an HQS checklist and sample contract.
19. Procedures for notifying the WHA and HUD of program abuses such as side payments, extra charges, violations of tenant rights, and owner failure to repair.
20. The family's rights as a tenant and a program participant.
21. Requirements for reporting changes between certifications.
22. Information on security deposits and legal referral services.

Other Information to be Provided at the Briefing [24 CFR 982.301(a)]

The person conducting the briefing will also describe how the program works and the relationship between the family and the owner, the family and the WHA, and the WHA and the owner.

The briefing presentation emphasizes:

- Family and owner responsibilities
- Where a family may lease a unit inside and outside its jurisdiction
- How portability works for families eligible to exercise portability
- Advantages to moving to area with low concentration of poor families if family is living in a high poverty census tract in the WHA's jurisdiction
- Exercising choice in residency
- Choosing a unit carefully and only after due consideration
- The Family Self Sufficiency program and its advantages

If the family includes a person with disabilities, the WHA will ensure compliance with CFR 8.6 to ensure effective communication.

Owner Briefing

Briefings are held for owners at least annually. All new owners receive a personal invitation and current owners are notified by the Director of Section 8. The purpose of the briefing is to assure successful owner participation in the program. The briefing covers the responsibilities and roles of the three parties.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing, families are encouraged to search for housing in non-impacted areas and the WHA will provide assistance to families who wish to do so.

The assistance provided to such families includes:

- Direct contact with landlords.
- Counseling with the family.
- Providing information about services in various non-impacted areas.
- Meeting with neighborhood groups to promote understanding.
- Formal or informal discussions with landlord groups.
- Formal or informal discussions with social service agencies.
- Meeting with rental referral companies or agencies.
- Meeting with fair housing groups or agencies.

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

Fair Housing Laws

The WHA provides the family with a complaint form and the location of the local Fair Housing office. If HUD Fair Housing makes a finding of discrimination against an owner, the WHA will restrict the owner from future participation.

The WHA provides the family with the HUD discrimination complaint form and directs the family to report suspected discrimination to HUD.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

Leases Effective on or after October 2, 1995

Security deposits charged by owners may not exceed those charged to unassisted tenants (nor the maximum prescribed by State or local law.)

For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.54(d)(11)]

During the briefing session, each household will be issued a Voucher that represents a contractual agreement between the WHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program that occurs when the lease and contract become effective.

Expirations

The Voucher is valid for a period of sixty calendar days from the date of issuance. The family must submit a Request for Tenancy Approval within the sixty-day period unless an extension has been granted by the WHA.

The Voucher term will be suspended beginning the date the owner specifies on the Request for Tenancy Approval that a unit is ready to rent through the date of the initial HQS inspection. HUD regulations require that the initial HQS inspection be completed within 15 days of the date the owner states the unit is ready for inspection.

Only one Request for Tenancy Approval may be submitted and processed by the WHA at a time.

If the Voucher has expired, and has not been extended by the WHA or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or hearing. The family's application will be placed on Inactive and the family must re-apply to be placed back on the waiting list. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

Extensions

A family may request an extension of the Voucher time period. All requests for extensions must be received prior to the expiration date of the Voucher. Extensions are permissible at the discretion of the WHA up to a maximum of 120 days, primarily for these reasons:

Extenuating circumstances such as hospitalization or a family emergency for an extended period of time that has affected the family's ability to find a unit within the initial sixty-day period. Verification is required.

The WHA is satisfied that the family has made a reasonable effort to locate a unit, including seeking the assistance of the WHA, throughout the initial sixty-day period. A completed search record is requested.

The family was prevented from finding a unit due to disability accessibility requirements or large size three (3) bedroom unit requirement. The Search Record is part of the required verification.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the WHA Office to request assistance. Voucher holders will be notified at their briefing session that the WHA periodically updates the listing of available landlords and how the updated list may be obtained.

The WHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS

[24 CFR 982.315]

In those instances when a family assisted under the Section 8 program becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the WHA shall consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.

2. Which family member was the head of household when the Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled members.
4. Whether domestic violence was involved in the breakup.
5. Which family members remain in the unit.
6. Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.

If documentation is not provided, the WHA will terminate assistance on the basis of failure to provide information necessary for a recertification.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF CERTIFICATE/VOUCHER

To be considered the remaining member of the tenant family, the person must have been previously approved by the WHA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor, or
2. The WHA has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a reduction in the voucher size.

Chapter 10

REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

INTRODUCTION [24 CFR 982.305(a)]

The WHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The WHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere a Section 8 Voucher program is administered. The family must find an eligible unit under the program rules, with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the WHA. This Chapter defines the types of eligible housing, the WHA's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Tenancy Approval.

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.305(b)]

The Request for Tenancy Approval and a copy of the proposed Lease must be submitted by the family during the term of the Voucher.

The Request for Tenancy Approval must be signed by both the owner and Voucher holder.

The WHA will not permit the family to submit more than one Request for Tenancy Approval at a time.

The WHA will review the proposed lease and the Request for Tenancy Approval documents to determine whether or not they are approvable.

The Request will be approved if:

1. The unit is an eligible type of housing
2. The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan)
3. The rent is reasonable and approvable (See Section G).
4. The Security Deposit is approvable in accordance with any limitations in this plan.
5. The proposed lease complies with HUD and WHA requirements (See Section C).

6. The owner is approvable, and there are no conflicts of interest (See Section I).
7. The gross rent of the unit will not require that the family pay more than 40% of family adjusted income towards rent and utilities not provided by the owner.
8. The date, on the Request For Tenancy Approval, that the owner specifies that the unit is available for rent is within 30 days of the date the WHA receives the Request for Tenancy Approval.

Disapproval of Request For Tenancy Approval

If the WHA determines that the Request cannot be approved for any reason, the landlord and the family will be notified in writing. The WHA will instruct the owner and family of the steps that are necessary to approve the Request.

When, for any reason, a Request for Tenancy Approval is not approved, the WHA will furnish another Request form to the family along with the notice of disapproval so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.353, 982.54(d)(15)]

The WHA will approve any of the following types of housing in the Voucher program:

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Manufactured homes where the tenant owns the mobile home and leases the pad for Vouchers
- Units owned (but not subsidized) by the WHA (following HUD-prescribed requirements).

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the mobile home and leases the pad. A family may lease in and have an interest in a cooperative housing development. Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent, child, grandparent, grandchild, sister or brother of any family member. The WHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

A Voucher holder may not lease a unit under the Voucher program if such assistance would constitute unauthorized duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

The WHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and State/local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the on the Request For Tenancy Approval.

Owners may either submit their own lease or permit the WHA to furnish the lease.

In cases where the owner's lease is used, the HUD lease addendum must be incorporated into the body of the lease, verbatim, or the HUD lease addendum must be attached and executed.

The WHA will encourage owners to use a sample lease provided by the WHA that includes the HUD-mandated language. House Rules of the owner may be attached to the lease as an addendum, provided they are approved by the WHA to ensure they do not violate any fair housing provisions and do not conflict with the lease addendum.

D. SEPARATE AGREEMENTS

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease if the agreement is in writing and approved by the WHA.

Any appliances, services or other items that are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a separate agreement, the family must have the option of not utilizing the service, appliance or other item.

The WHA is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

All agreements for special items or services must be attached to the lease approved by the WHA. If agreements are entered into at a later date, they must be approved by the WHA and attached to the lease.

The WHA will not approve separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See Chapter 10, "Housing Quality Standards and Inspections."

F. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed Gross Rent is not reasonable, at the family's request, the WHA will negotiate with the owner to reduce the rent to a reasonable rent. In situations where the Gross Rent would cause the family to pay more than 40% of adjusted income towards rent and utilities, the WHA, at the family's request, will also negotiate with the owner to reduce the rent so that the unit is affordable to the family.

If the owner does not agree on the Contract Rent after the WHA has tried and failed to negotiate a revised rent, the WHA will inform the family and owner that the lease is disapproved.

G. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the WHA will furnish prospective owners with the family's current address as shown in the WHA's records and, if known to the WHA, the name and address of the landlord at the family's current and prior address.

The WHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The WHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, eviction history, damage to units, and other factors related to the family's suitability as a tenant.

A statement of the WHA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

The WHA will provide the following information, based on documentation in its possession, upon written request from the landlord:

- Eviction history
- Damage to rental units
- Payment history

- Drug Trafficking by family members

The information will be provided for the last three (3) years.

The information will be provided in writing and will cover the last three (3) years.

Only the Section 8 staff may provide this information. The WHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

H. OWNER DISAPPROVAL [24 CFR 982.306]

For purposes of this section, "owner" includes a principal or other interested party.

The WHA will disapprove the owner for the following reasons:

- HUD has informed the WHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the WHA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- HUD has informed the WHA that a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- The owner has a conflict of interest as described in HUD regulation 24 CFR 982.161(a), and would therefore be unable to enter into a contract with the WHA.
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.
- The owner has engaged in drug trafficking.
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- The owner has not paid State or local real estate taxes, fines or assessments.

I. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the Total Tenant Payment (TTP) prior to the effective date of the HAP contract at admission, the information will be verified and the

TTP will be recalculated. If the family does not report any change, the WHA need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

J. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The WHA prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the Lease agreement, and the owner and the WHA will execute the HAP Contract. Copies of the documents will be furnished to the parties who signed the respective documents. The WHA will retain a copy of all signed documents. Leases and Contracts will be executed on the first of the month, except in hardship cases at the discretion of the Executive Director or his/her designee.

The WHA makes every effort to execute the HAP Contract before the commencement of the lease term. The HAP Contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The Executive Director and the Deputy Director are authorized to execute a contract on behalf of the WHA.

Owners must provide the current address of their residence (not a Post Office box). If families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an Employer Identification Number or Social Security Number.

The owner must provide a business or home telephone number.

K. CHANGE IN OWNERSHIP

A change in ownership requires execution of a new contract.

The WHA will process a change of ownership only upon the written request of the new owner and only if accompanied by a copy of the escrow statement or other document showing the transfer of title, the Employee Identification Number or Social Security number of the new owner, address, and business or home phone number.

Chapter 11

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS requirements include HUD published minimum standards and any of the Housing Authority's own HUD-approved requirements. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The WHA will inspect each unit under contract at least annually. The WHA will also have an inspection supervisor perform quality control inspections on a random number, needed to comply with projected SEMAP requirements, of all units under contract annually to maintain the WHA's required standards and to assure consistency in the WHA's program. This Chapter describes the WHA's procedures for performing HQS and other types of inspections, and WHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and WHA requirements. (See additions to HQS).

As stated above, the use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and WHA requirements (see G of this Chapter).

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

All units must meet HQS requirements, which include HUD published minimum standards and any of the Housing Authority's own HUD-approved requirements.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the Inspector will mark "inconclusive" on the inspection report and will notify the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval) to have the utilities turned on. The Inspector will schedule a reinspection.

If the family does not currently occupy the unit to be inspected, the unit must be vacant and contain no personal belongings of a current/previous resident. If personal belongings of a

family, other than the Voucher holder, are present in the unit, the unit will not be inspected as the unit cannot be considered “available for inspection”. If the unit is not considered “available for inspection” within 30 days of receipt of the Request for Tenancy Approval, the unit will be disapproved.

If the tenant is responsible for supplying the stove and/or the refrigerator, the WHA will allow the stove and refrigerator to be placed in the unit after the inspection. If after the unit has passed all other HQS, the owner and family certify that the appliances are in the unit and working according to the Housing Quality Standards. The WHA will conduct a reinspection.

There are five types of inspections the WHA will perform:

1. Initial/Move-in: Conducted upon receipt of Request For Lease Approval.
2. Annual: Must be conducted prior to the HAP contract anniversary date.
3. Move-Out/Vacate will only be done if requested by the owner in writing.
4. Special/Complaint: At request of owner, family or an agency or third-party.
5. Quality Control

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the current condition of the unit as to assist in future evaluations whether the recondition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the owner will be advised to notify the WHA once repairs are completed.

On an initial inspection, the owner will be given up to thirty (30) days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to two (2) reinspections for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The WHA must conduct an inspection in accordance with Housing Quality Standards within 12 months of the “date of initial inspection” completed the previous year. Special inspections may be scheduled between anniversary dates.

HQS deficiencies that cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible. The landlord may make the repair but can charge the family for repairs/corrections needed that were required due to tenant caused damages beyond normal wear and tear.

The family must allow the WHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between 8:30 a.m. and 4:00 p.m.

The WHA will notify the family in writing at least twenty-four (24) hours prior to the inspection.

Inspection: The family is notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 12 months of the date of the last annual initial inspection.

If the family does not contact the WHA to reschedule the inspection, or if the family misses two (2) inspection appointments (without a WHA discretionary determination of extenuating circumstances), the WHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are mailed a notice of the inspection appointment by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment notice contains a warning of abatement (in the case of owner responsibility).

The family is also notified that it is a Family Obligation to allow the WHA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, “Denial or Termination of Assistance,” they will be advised of their responsibility to correct.

Time Standards for Repairs

1. Emergency items that endanger the family's health or safety must be corrected by the owner within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.

3. For major repairs, the Executive Director or the Deputy Director may approve an extension beyond 30 days.

D. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the WHA that the unit does not meet Housing Quality Standards, the WHA will conduct an inspection.

The WHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The WHA will inspect only the items that were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the anniversary date is within 90 days of a special inspection, the special inspection may be categorized as annual and all annual procedures will be followed.

E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the Executive Director, or his/ her designee, on a random number of units based on projected SEMAP requirements. The random Quality Control Inspections must contain units inspected by each inspector. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

F ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The WHA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet and local codes.

Walls:

- In areas where plaster or drywall is sagging, severely cracked or otherwise damaged, it must be repaired or replaced.
- Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two coats of unleaded paint or other suitable material.
- No holes in walls, more than (3) three inches will be permitted.

Windows:

- All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
- Windows must be weather stripped as needed to ensure a watertight seal.
- If window screens are present, they must be in good condition
- Any room for sleeping must have a window, that goes to the outside, for ventilation, light and possible egress
- When raised, all windows should remain open without utilizing objects such as sticks or wood to prop them into an open position

Doors:

- All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.
- All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

Floors:

- All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced.
- All floors must be in a finished state (no plywood).

Toilets:

- All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security:

- If window security bars or security screens are present on emergency exit window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.
- Owners are responsible for providing and replacing old batteries for battery powered units. The WHA will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate

disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of the HQS.

Bedrooms:

- Bedrooms in basements or attics are not allowed unless they meet local code requirements and must have adequate ventilation and emergency exit capability.
- Minimum bedroom ceiling height is 7'6" or local code, whichever is greater. Sloping ceilings may not slope to lower than five feet in the 70 square foot area.

Modifications:

- Modifications or adaptations to a unit due to a disability must meet all applicable HQS and ADA requirements.
- Extension for repair items not required by HQS will be granted for modifications/adaptations to the unit if agreed to by the tenant and landlord. WHA will allow execution of the HAP contract if unit meets all requirements and the modifications do not affect the livability of the unit.

Exterior:

- Porches above 30 inches must have a safety railing and slats must be present. Gaps cannot exceed 4 inches.
- Grass in yards must be maintained. If the grass exceed 8 inches, the unit will fail. Determination of responsibility is to be determined between the landlord and participant.

Electrical:

- There must be a GFCI in the bathroom and kitchen areas, if they are located within six (6) feet of a water source. This requirement must be implemented by 9/30/2001 for units that are receiving assistance as of September 30, 1999 and remain continuously assisted. New units, or units leased-up after October 1, 1999, must meet this requirement.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

Items considered an "emergency nature" must be corrected by the owner within 24 hours of notice by the Inspector. In the event the deficiencies are tenant caused deficiencies, the owner may charge the tenant the cost of the repair provided that the deficiency was beyond normal wear

and tear. The following items are examples, but are not all inclusive of items requiring correction within 24 hours:

- Lack of security for the unit
- Waterlogged ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when outside temperature is below 50°F. and temperature inside unit is below 60°F
- Utilities not in service
- No running hot water
- Broken glass where someone could be injured
- Obstacle which prevents tenant's entrance or exit
- Lack of functioning toilet

Inoperable smoke detectors are a serious health threat and will be treated by the WHA as an emergency (24 hour) fail item. If the smoke detector is not operating properly, the WHA will contact the owner by phone and request the owner repair the smoke detector within 24 hours. The WHA will reinspect the unit the following day.

If the WHA determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the WHA will reinspect the unit the following day. The WHA will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard, and is considered a violation of the Housing Quality Standards thus a violation of a Family Obligation of the Program.

The WHA may give a short extension (not more than twelve (12) additional hours) whenever the responsible party cannot be notified or it is impossible to effect the repair within the 24-hour period.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the WHA.

If the emergency repair item(s) are not corrected in the time period required by the WHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the WHA, and it is an HQS breach that is a family obligation, the WHA will terminate the assistance to the family.

H CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)
[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, the owner is responsible for completing the necessary repair(s) in the time period specified by the WHA. Failure of the owner to comply will result in the assistance payment to the owner being abated.

Abatement/Termination of HAP Contract

A Section 8 HQS Inspection Report will be sent to the owner. The Report will be mailed within three (3) days of the failed inspection. The notice generally gives the owner thirty (30) days to correct deficiencies, depending on the nature of the repair(s) needed. Failure of the owner to complete *all* repairs within the time specified in the Inspection Report, will result in the owner's HAP payment being abated and the WHA's intent to terminate the HAP Contract.

The Notice of Abatement/Termination of HAP Contract will inform the owner the HAP payment has been abated effective the day following the date repairs were to have been completed. The owner will also be informed that if the unit does not pass the HQS inspection within 30 days of the date of the Abatement/Termination notice, no future payments will be made for this family for this unit as the Contract will terminate. The owner will be further informed that if the failed items are corrected and the unit passes inspection prior to the Contract termination date, the Contract will continue but the owner will not be entitled to HAP payments during the abated period.

If the owner makes repairs during the abatement period, payment will be effective the day the unit passes inspection.

The family will be notified that the HAP payment to the owner has been abated and the date that the HAP Contract is to terminate. The family will be further informed of their right to begin searching for another unit and will be issued a Request for Tenancy Approval packet to begin their search.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the WHA's portion of rent that is abated.

Usually a payment abatement begins within a month that the landlord has already received the WHA's Housing Assistance Payment (HAP). The following rules apply to the abated amount:

1. If the repairs are made and the unit passes inspection, within the month the abatement began, the owner's next HAP check will not include monies for the days payment was abated the preceeding month.

2. If the unit does not pass inspection within the month the abatement began, but does pass inspection within the following but prior to the HAP Contract termination date, the owner will receive a HAP check for the current month, however said check will not include monies for the days the payment was abated.
3. If the unit does not pass inspection within the month the abatement began, and fails to pass inspection prior to the HAP Contract termination date, no further HAP checks will be issued to the owner for this unit. The owner will be responsible for repaying any HAP payment received for abated days for the preceeding month.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service.
- Failure to provide or maintain family-supplied appliances.
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear.
- "Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The WHA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection. If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If non-emergency violations of HQS are determined to be the responsibility of the family, the WHA will require the family make any repair(s) or corrections within thirty (30) days (or 24 hours in the case of emergency related items). If the repair(s) or correction(s) are not made in this time period, the WHA will terminate assistance to the family. Extensions in these cases must be approved by the Executive Director or the Deputy Director. The owner's rent will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

Chapter 12

OWNER RENTS AND PAYMENT STANDARDS

[24 CFR 982.501, 982.503, 982.504]

INTRODUCTION

It is the WHA's responsibility to ensure that the rents charged by owners are reasonable based upon objective comparables in the rental market. The WHA will not approve the lease or execute a payments contract until it has determined that the unit meets the minimum HQS, that the rent is reasonable, and that the Gross Rent of the unit would not require the family to pay more than 40% of adjusted income towards rent and resident paid utilities. The WHA will determine rent reasonableness, as so much as possible, when the Request for Tenancy Approval is received and the rent reasonableness calculations will be reverified after the initial inspection. The rent reasonableness calculations are required at initial lease-up, before any increases in rent to owner and at other times as described in this section. The WHA will provide the owner with information concerning rent adjustments in the Voucher program.

This Chapter explains the WHA's procedures for determination of payments to owners, adjustments to the Payment Standards, and rent adjustments.

A. OWNER PAYMENT IN THE VOUCHER PROGRAM [24 CFR 982.505(b)]

The WHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of :

1. The payment standard minus the total tenant payment; or
2. The gross rent minus the total tenant payment.

If the family selects a qualified unit with gross rent equal to, or less than, the Payment Standard, the family rent to owner equals the total tenant payment (TTP). If the family selects a qualified unit where the gross rent exceeds the Payment Standard, the family rent to the owner will equal the TTP plus the difference between Gross Rent and the Payment Standard.

In no case may the family's share for rent and utilities exceed 40% of their monthly adjusted income at the time of initial lease-up.

The Voucher size issued to the family is based on the WHA's Subsidy Standards. The payment standard for the family is based on the lesser of the Payment Standard for the Voucher size issued and the Payment Standard for the unit selected.

The Housing Assistance Payment to the owner is the lesser of the subsidy described above or the rent charged by the owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP Contract is executed, the WHA begins processing payments to the landlord. The effective date and the amount of the WHA payment is communicated to the owner in writing. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month.

Checks may not be picked up by owner at the WHA.

Checks will only be disbursed on the first working day of the month. Checks are disbursed by Finance Department to the owner each month.

Checks that are not received will not be replaced until a written request has been received from the payee and a stop payment has been put on the check.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 882.106 (b), 982.4)

Rent reasonableness determinations are made when units are placed under HAP Contract for the first time or when an owner requests a rent increase for the Voucher Program.

The WHA will determine and document on a case-by-case basis that the approved rent is comparable to:

1. Assisted or unassisted units in the same building or complex; and
2. Comparable units in the unassisted market.

At least three comparable units will be used for each rent determination, one of which must be from the first category, if possible. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means within the last 90 days.

The data for other unassisted units will be gathered from newspapers, Realtors, professional associations, inquires of owners, market surveys, and other available sources.

The market areas for rent reasonableness are neighborhoods within the WHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Square Footage
- Number of Bedrooms
- Facilities
- Location
- Number of Bathrooms
- Quality
- Amenities
- Date Built
- Unit Type
- Management and Maintenance Services
- Any type of special, rent structure, or rent control

The WHA maintains a computerized listing that includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis.

The WHA uses an "appraisal" method and tests the subject unit against selected units in the same area with similar characteristics. Adjustments are made for favorable and unfavorable differences between the subject unit and the comparables. Amenities, services, and facilities are given values.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM
[24 CFR 982.505(b)(1)]

The Payment Standard is used to determine the maximum subsidy that can be paid by the WHA on behalf of the family. The Payment Standard is set by the WHA in accordance with the housing market data and HUD requirements in effect at the time.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.505(b)(3)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families' rents affordable. The WHA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the WHA raise Standards if the need is solely to make "high end" units available to Voucher holders.

The WHA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the payment standard will be appropriately adjusted.

In a volatile market, it will be at the WHA's discretion whether to make the change immediately or wait until the time of the annual review of the WHA's Payment Standard.

The WHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The WHA will review reports showing the percent of income used for rent by Voucher families to determine the extent to which the rent burden is more than forty-five (45%) of income.

Availability of Suitable Vacant Units Below the Payment Standard

The WHA will review its rent reasonableness database and vacancy rate data to determine whether there is an ample supply of vacant units below the Payment Standard in areas without minority concentration or poverty-impacted areas.

Quality of Units Selected

The WHA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

WHA Decision Point

The WHA will review the quality and size of units where the Rents to Owner are above the Payment Standard by more than twenty-five (25%) percent. If more than fifty (50%) percent of families have selected above-average units or have selected larger units than the Voucher size, the WHA may elect not to increase the Payment Standard nor continue the analysis.

If the analysis continues, the WHA will divide those rents between contracts within the first year and after the first year. If the Rents to Owner are more than twenty-five (25%) percent above the average, in any bedroom size, the WHA will continue the analysis, and apply other factors in its Payment Standard determination. The WHA may elect not to increase the Payment Standard for certain bedroom sizes.

If the analysis continues, the WHA will divide those rents between contracts within the first year and after the first year. If the Rents to Owner are more than twenty-five (25%) percent above the average, in any bedroom size, the WHA will continue the analysis. If not, the WHA may elect not to increase the Payment Standard for certain bedroom sizes.

Rent to Owner Increases

The WHA may review a sample of the units to determine how often owners are increasing rents after the first year of the lease and the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the applicable annual adjustment factor to determine whether owner increases are excessive in relation to the published annual adjustment factor.

Rent Reasonableness Data Base/Average Contract Rents

The WHA will compare the Payment Standards to average rents in its Rent Reasonableness Data Base and to the average Contract Rents by unit size. The Payment Standards should be on a par with these amounts.

Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, the WHA may review the budget and the project reserve, to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the WHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation

A file will be retained by the WHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. PAYMENT STANDARDS FOR A FAMILY [24 CFR 982.505(d)]

Regular Reexamination

If the payment standard decreases during the HAP Contract term, the Payment Standard for the family is the higher of (1) the Payment Standard at the beginning of the lease minus any amount by which the initial rent to owner has decreased, or (2) the Payment Standard at the current or most recent annual exam. If a change in family size or composition occurs affecting the housing assistance provided, the ability to use the initial Payment Standard is lost.

Interim Examination

If after the beginning of the term of the lease the family has a change in income, family size or composition that would require or allow for an interim adjustment based on the WHA's interim policy, the WHA will not apply any new or change in payment standard until the date of the next regular reexamination.

Moves

If the family moves into a different unit prior to their next recertification and the WHA has had a change in the payment standard the new payment standard will be used.

G. RENT ADJUSTMENTS [24 CFR 982.509]

The WHA will notify owners of their right to request a rent adjustment at least thirty (30) days in advance of the anniversary date. The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

Owners must request the rent increase in writing on the form provided by the WHA. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 30 days after the owner's request is received. To be honored, requests must be received at least 60 days prior to the next anniversary date.

The change in rent does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment. A notice of rent change will be sent to the owner and the family.

Rent increases must pass the rent reasonableness test.

Disapproval of Requests for Adjustment

If the WHA rejects the owner's request for rent adjustment as exceeding rent reasonableness and the owner rejects the WHA's determination, the owner may offer the tenant a new lease (after receiving the WHA's approval) with a sixty-day notice to the tenant. If the tenant accepts the offer of a new lease, an RFLA must be submitted and the requested rent subjected to rent reasonableness. If the tenant refuses or the owner does not offer a new lease, the owner may institute court action to terminate tenancy for a business or economic reason in accordance with the lease. The WHA will issue a new Voucher to the family.

After the tenant has begun searching for a new housing unit and/or after court action has been initiated, the owner may decide to accept the current lease. If the owner and tenant agree, the lease can continue.

If a new lease is executed, a new Contract must also be executed.

Voucher Program Rent Adjustments [24 CFR 982.505(b)(3)]

Owners may not request rent adjustments in the Voucher Program to be effective prior to the expiration of the first term of the lease. Rent adjustments are effective with a sixty (60) day notice to the family and a copy to the WHA. The WHA will advise the family as to whether the rent is reasonable and shall approve or disapprove the rent increase.

Chapter 13

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the WHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the WHA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are two activities the WHA must conduct on an annual basis. These activities will be coordinated whenever possible:

1. Recertification of Income and Family Composition
2. HQS Inspection

The WHA produces a monthly listing of units under contract to ensure that timely reviews of contract rent, housing quality, and factors related to Total Tenant Payment can be made. Requests for rent adjustments and other monetary changes will be transmitted to the Section 8 Department.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See Chapter 10, "Housing Quality Standards and Inspections."

Rent Adjustments: See Chapter 11, "Owner Rents, Rent Reasonableness and Payment Standards."

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

The income and family composition of each family must be re-examined at least annually.

When families move to another dwelling unit an annual recertification will be scheduled unless a recertification has occurred in the last 120 days and the anniversary date will be changed.

Income limits are not used as a test for continued eligibility at recertification unless the family is moving under portability and changing their form of assistance.

Reexamination Notice to the Family

The WHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least ninety days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the WHA will provide the notice in an accessible format. The WHA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure

The WHA will mail notification and all relevant forms to conduct annual recertifications.

Completion of Annual Recertification

The WHA will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least thirty (30) days before the scheduled date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the WHA's office will be granted an accommodation by conducting the interview at the person's home, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information

The WHA will require the family to complete a recertification packet, which will be mailed at least ninety (90) days prior to their anniversary date.

The WHA will require the family to complete a Personal Declaration Form as a part of recertification.

Failure to Respond to Notification to Recertify

Participants who fail to respond to Notification of Recertification by return all of the forms requested within the specified time limit will have their housing assistance terminated. All forms must be complete and signed. Exceptions to these policies may be made by the Section 8 Clerk, Director of Section 8, or designated representative if the family is able to document an emergency situation that prevented them from completing their recertification documents or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

A Recertification Packet will include, but is not limited to, the following documents:

- Documentation of any exclusions/allowances
- Personal Declaration Form completed by head of household
- WHA Official Certification Form
- Release of Information Form
- Section 8 Policy Acknowledgment

Verification of Information

The WHA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than one-hundred twenty (120) days old.

Tenant Rent Increase

If tenant rent increases, a thirty (30) day notice is mailed to the family prior to the anniversary date.

If less than thirty (30) days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty (30) day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the first of the month following the month the change was reported, when possible.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the WHA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the WHA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain WHA and landlord approval prior to all other additions to the household.

If any new family member is added, family income must include any income of the new family member. The WHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Income

The WHA will conduct interim reexaminations when families have an increase in income that exceeds two thousand five-hundred (\$2,500) dollars annually.

Although families are required to report any increase in income, the increase will not result in a HAP change unless the increase exceeds two thousand five-hundred (\$2,500) dollars annually.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or exclusions. The WHA must calculate the change if a decrease in income is reported.

WHA Errors

If the WHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

Other Interim Reporting Issues

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with zero or unstable income every ninety days.

Any changes reported by participants other than those listed in this section will be notated in the file by the staff person but will not be processed between regularly-scheduled annual recertifications.

D. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the WHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

E. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS)

[24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The WHA requires that families report interim changes to the WHA within fourteen (14) calendar days of when the change occurs. Any information, document or signature needed from the family which is needed to verify the change must be provided within fourteen (14) calendar days of the change.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The WHA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

- Increases in the Tenant Rent are effective on the first of the month following at least thirty (30) days notice.
- Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified.

The change will not be made until the third party, or other verification deemed adequate by WHA, is received. If third party verification is not received in a timely manner, other verification deemed adequate by WHA provided by the family may be utilized in the interim in order to effect the change and prevent rent burden hardship to the family.

Procedures when the Change is Not Reported by the Tenant in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

- Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement.
- Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

Procedures when the Change is Not Processed by the WHA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the WHA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the WHA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

F. REPORTING OF CHANGES IN FAMILY COMPOSITION [24 CFR 982.516(c)]

All changes in family composition must be reported within fourteen days of the occurrence.

Increases in Family Size

Increases other than by birth, adoption or court-awarded custody must have the prior approval of the owner and the WHA.

If the addition would result in overcrowding according to WHA's maximum subsidy standards and guidelines:

The WHA will issue a larger Voucher (if needed under the Subsidy Standard) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- Addition of a minor who is a member of the nuclear family who had been living elsewhere.
- Addition of an WHA-approved live-in attendant, but the live-in attendant's family members will not be considered for voucher size.
- Addition due to birth, adoption or court-awarded custody.

G. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The WHA will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of fraud, failure to participate in an economic self-sufficiency program, or noncompliance with a work activities requirement.

However, the WHA will reduce the rent if the welfare assistance reduction is a result of the expiration of a lifetime time limit on receiving benefits or a situation where the family has complied with welfare program requirements but cannot or has not obtained employment (such as the family has complied with welfare program requirements, but the durational time limit, a cap on welfare benefits for a period of no more than two years in a five year period, causes the family to lose their welfare benefits).

The WHA will notify affected families that they have the right to an informal hearing regarding these requirements.

Verification Before Denying a Request to Reduce Rent

The WHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance before denying the family's request for rent reduction.

Cooperation Agreements

The WHA has executed a Memorandum of Understanding with the local welfare agency to ensure timely and accurate verification of noncompliance.

The WHA and the local welfare agency have mutually agreed to exchange information regarding any economic self-sufficiency and/or other appropriate programs or services that would benefit Section 8 tenant-based assistance families.

Chapter 14

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the WHA's jurisdiction, or to a unit outside of the WHA's jurisdiction under Portability procedures. The regulations also allow the WHA the discretion to develop policies that define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of, the WHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the WHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family. This is only in cases where the family has not violated a family obligation or breached their lease, in which case their assistance would be terminated.
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552]

Families will not be permitted to move within the WHA's jurisdiction during the initial year of assisted occupancy, unless released by the landlord.

Families will not be permitted to move outside the WHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be permitted to move more than once in a 12-month period.

The WHA will deny permission to move if there is insufficient funding for continued assistance.

The WHA will deny permission to move to if:

- The family has violated a Family Obligation.
- The family owes the WHA money.
- The family has moved or been issued a Voucher within the last twelve (12) months.

The Executive Director or the Deputy Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

If the family has not been recertified within the last 120 days, the WHA will issue the voucher to move after conducting the recertification/as soon as the family requests the move.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

The annual recertification date will be changed to coincide with the new lease-up date.

Notice Requirements

Briefing sessions emphasize the family's responsibility to give the owner and the WHA proper written notice of any intent to move.

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the WHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the WHA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the initial HA's jurisdiction. The unit may be located:

1. In the same state as the initial HA;
2. In the same metropolitan statistical area (MSA) as the initial HA, but in a different state;
3. In an MSA adjacent to the MSA of the initial HA, but in a different state.
4. In the jurisdiction of a HA anywhere within the United States that administers a tenant based program.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

When a family requests to move to outside of the WHA's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one HA in the area in which the family has selected a unit, the WHA will choose the receiving HA.

If the family is moving to a unit located in the same state as the initial HA, in the same MSA, but in a different state, or in an adjacent MSA in a different state, and there is not an HA in the area where the unit is located, the initial HA will be responsible for the administration of the family's assistance.

The WHA will choose a management company, another HA or a private contractor to administer the assistance.

Restrictions on Portability

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program. If neither the head or spouse had a domicile (legal residence) in the WHA's jurisdiction at the date of their initial application for assistance unless the receiving and initial HA agree to allow the move.
2. If the family is in violation of a family obligation.
3. If the family owes money to the WHA.

Outgoing Portability Procedures

The WHA will provide pre-portability counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the WHA will determine if the family is within the very low income limit of the receiving HA.

If the family is a participant and will be changing its form of assistance, the WHA will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The WHA will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The WHA will advise the family how to contact and request assistance from the receiving HA.

The WHA will notify the receiving HA that the family will be moving into its jurisdiction.

The WHA will provide the following documents and information to the Receiving HA:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. Declarations and verifications of U.S. citizenship and eligible immigrant status.
4. Current information related to eligibility and rent payments.
5. HA staff designated for inquiries on eligibility and billing.
6. The Administrative Fee Schedule for billing purposes.

The Receiving HA must promptly notify the WHA of the following:

- The Receiving HA decides to absorb the family into their own program.
- The family leases up or fails to submit a Request for Tenancy Approval by the required date.
- Assistance to a portable family is terminated by the Receiving HA.
- The family requests to move to an area outside the Receiving HA's jurisdiction.

Payment to the Receiving HA

The WHA will requisition funds from HUD based on the anticipated lease-ups of portable Vouchers in other HA's jurisdictions. Payments for families in other jurisdictions will be made to other HAs when billed or in accordance with other HUD approved procedures for payment.

When billed, the WHA will reimburse the Receiving HA for 100% of the Housing Assistance Payment and 80% of the Administrative Fee (at the initial HA's rate).

Claims

The WHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring the repayment. The WHA will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Payment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the WHA within fourteen (14) days.

F. INCOMING PORTABILITY [24 CFR 982.354, 982.355]

Absorption or Administration

The WHA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. The family will be issued a Voucher by the WHA with a start date dependent upon the WHA briefing date. The expiration date of the WHA Voucher will coincide with the expiration date of the Initial HA's voucher. The WHA may grant extensions in accordance with this Administrative Plan.

No incoming portability family will be entitled to a Voucher period that exceeds 120 days. If the expiration date of the Initial HA's voucher includes the HUD required 60 days plus extensions totaling 60 additional days, no further extensions will be granted by the WHA.

If the initial HA's voucher is valid for the HUD required 60 day period only, the WHA may grant two 30 day extensions in accordance with this Administrative Plan. If the initial HA's voucher is valid for 90 days (60 days as required by HUD plus 30 additional extension days approved by the initial HA) the WHA will grant no more than one 30 day extension in accordance with this Administrative Plan.

Families, who obtain their voucher from another jurisdiction but had a legal residence in the WHA's jurisdiction at the time of application, will not be permitted to exercise portability to the WHA's jurisdiction until they have been assisted in another jurisdiction for at least 12 months.

Incoming portable families who have not yet been absorbed will not be absorbed before the WHA selects new applicants from the Waiting List, unless lease-up is below 95%.

The WHA may absorb Vouchers if such absorption does not exceed ten (10%) percent of households assisted without Board approval.

When the WHA does not absorb the incoming Voucher, it will administer the Initial HA's Voucher and the WHA's policies will prevail.

For initial lease-up, the family must be within the WHA's Very-Low Income limits. For participants, the WHA may issue either a Voucher but if the form of assistance changes, the family must be within the WHA's Low Income limits. If the family is ineligible under the WHA's low income limit because the form of assistance offered causes the family to change programs, the WHA must absorb the family without a change in the form of assistance, or administer the family without a change in the form or assistance, or administer the family's current form of assistance.

The WHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition that would change the Voucher size, the WHA will change to the proper size based on its own Subsidy Standards.

The WHA will decide whether to extend the "Portability Voucher" and for what period of time. However, if the Family decides not to lease-up in the WHA's jurisdiction, the WHA will notify the Initial PHA and the Family must request an extension from the Initial HA to rent within its jurisdiction or request the Initial HA to "port" them to another jurisdiction.

For Old Rule contracts, the WHA's unpaid rent, damage, and vacancy loss claim policies prevail.

For Old Rule contracts, the WHA's unpaid rent, damage and vacancy loss claim policies prevail.

Income and TTP of Incoming Portables

As receiving HA, the WHA will conduct a recertification interview but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the family's income exceeds the very-low income limit of the WHA, the family will be denied assistance within the WHA's jurisdiction unless if the family was not previously assisted in the Initial PHA's jurisdiction. If the family was previously assisted in the Initial PHA's jurisdiction, the family does not have to fall within the WHA's Very-Low Income Limit as the family met eligibility requirements at the time of receiving their initial assistance in the Initial PHA's jurisdiction.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the WHA's jurisdiction, the WHA will refuse to enter into a contract on behalf of the family at \$0 assistance.

Requests for Lease Approval

A briefing will be mandatory for all portability families.

When the Family submits a Request for Tenancy Approval, it will be processed using the WHA's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease within the term of the WHA's voucher plus approved extension(s), the Initial HA will be notified within fourteen (14) days, of expiration of the Voucher, by the WHA.

If the Family leases up successfully, the WHA will notify the Initial HA within fourteen (14) days, and the billing process will commence unless the WHA is absorbing the family into the WHA program.

If the WHA denies assistance to the family, the WHA will notify the Initial HA within fourteen (14) days and the family will be offered a review or hearing.

The WHA will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the WHA's jurisdiction under continued portability unless the Family has leased up and has been absorbed into the WHA program.

Terminations

Unless absorbed, the WHA will notify the Initial HA in writing of any termination of assistance within fourteen (14) days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the WHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the WHA that the Family is in arrears or the Family has refused to sign a Payment Agreement, the WHA will terminate assistance to the family.

Required Documents

As Receiving HA, the WHA will require the following documents from the Initial HA:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. Declarations and verifications of U.S. citizenship and eligible immigrant status.
4. A copy of the portability policies and procedures from their Administrative Plan.
5. Current information related to eligibility and rent payments.
6. HA staff designated for inquiries on eligibility and billing.
7. The Administrative Fee Schedule for billing purposes.

Billing Procedures

As Receiving HA, the WHA will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and Special Claims will be monthly unless requested otherwise by the Initial HA.

The WHA will bill 100% of the Housing Assistance Payment, 100% of Special Claims and 80% of the Administrative Fee (at the Initial HA's rate) for each "Portability" Voucher leased as of the first day of the month.

The WHA will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the WHA of changes in the Administrative Fee amount to be billed.

Chapter 15

CONTRACT TERMINATIONS

INTRODUCTION

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the WHA that defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the WHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease, and expires only if the lease has a clearly stated lease expiration date. During the ongoing period covered by the lease and Contract, the Contract between the owner and the WHA may be terminated by the WHA, or by the owner or tenant terminating the lease (within the provisions of the lease) prior to any lease expiration.

No future subsidy payments on behalf of the family will be made by the WHA to the owner after the month in which the Contract is terminated. The owner must reimburse the WHA for any subsidies paid by the WHA for any period after the contract termination date.

If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the WHA for vacancy loss.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

The lease stipulates that the family cannot move from the unit until after the first year of the lease. The notice period to the landlord is determined by the lease, but may not exceed 60 days.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the law and regulation permit the owner to take an action but do not require action to be taken, the owner may take or not take the action in accordance with the owner's standards for eviction. The owner may consider all of the circumstances relevant to a particular eviction case, such as:

1. The seriousness of the offending action;
2. The effect on the community of denial or termination or the failure to the owner to take such action;
3. The extent of participation by the leaseholder in the offending action;
4. The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
5. The demand for assisted housing by families who will adhere to lease responsibilities;
6. The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
7. The effect of the owner's action on the integrity of the program.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

THE OWNER MUST PROVIDE THE WHA WITH A COPY OF THE EVICTION NOTICE.

The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervise drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of assistance actions must be consistent with fair housing and equal opportunity provisions of **Sec 5.105 of 24 CFR.**

The owner eviction notice means a notice to vacate, or a complaint, or other initial pleading used under State or local law to commence an eviction action.

During the term of the lease the owner may only evict for:

1. Serious or repeated violations of the lease;

2. Violations of federal, state or local law related to occupancy of the unit;
3. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents including property management staff residing on the premises.*
4. Criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises.*
5. Any violent criminal activity on or near the premises by a tenant, household member, or guest, or any such activity on the premises by any other person under the tenant's control.*
6. The tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor.*
7. The tenant is violating a condition of probation or parole imposed under Federal or State law.*
8. Any drug-related criminal activity on or near the premises. This includes any such activity by any household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control.*
9. The owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.*
10. Tenant history of disturbance of neighbors, destruction of property, or behavior resulting in damage to the premises.
11. Other good cause, after the first year of the lease, includes:
 - Business or economic reason for regaining possession;
 - Owner's desire to repossess unit for personal use; or
 - Tenant's refusal to accept offer of a new lease.
12. If the lease is for successive definite terms, after the initial term, the owner can terminate tenancy at the end of the initial term or any successive term without cause.

*The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines that the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. Chapter 3 of this Policy explains criteria for the WHA to obtain criminal records and the release of such information to property owners.

The eviction notice must specify the cause for the eviction.

The WHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the WHA termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun eviction and the family continues to reside in the unit, the WHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

The WHA will continue housing assistance payments until the family moves or is evicted from the unit.

If the action is finalized in court, the owner must provide the WHA with the documentation, including notice of the lock-out date.

The WHA must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated. By endorsing the monthly check from the WHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the WHA has no other grounds for termination of assistance, the WHA may issue a voucher so that the family can move with continued assistance.

D. TERMINATION OF THE CONTRACT BY WHA

[24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the WHA terminates program assistance for the family, and when the owner has breached the HAP contract. (See Chapter 16/Disapproval of Owner)

The WHA may also terminate the contract if:

- The WHA terminates assistance to the family.
- The family is required to move from a unit that is overcrowded.

- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

The WHA will provide the owner and family with at least thirty days written notice of termination of the contract.

E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS

[24 CFR 5.514]

Families who were participants on June 19, 1995, but are ineligible for continued assistance due to the ineligible immigration status of all members of the family, or because a "mixed" family chooses not to accept proration of assistance, are eligible for temporary deferral of termination of assistance if necessary to permit the family additional time for transition to affordable housing.

Deferrals may be granted for intervals not to exceed six months, up to an aggregate maximum of three years before 11/29/96, or 18 months for deferrals granted after 11/29/96.

The family will be notified in writing at least 60 days in advance of the expiration of the deferral period that termination of assistance will not be deferred because:

1. Granting another deferral will result in an aggregate deferral period of longer than the statutory maximum (three years for deferrals granted before 11/29/96; 18 months for deferrals granted after 11/29/96), or
2. A determination has been made that other affordable housing is available.

Chapter 16

TERMINATION OF ASSISTANCE

INTRODUCTION

The WHA may terminate assistance for a family because of the family's action or failure to act. The WHA will provide families with a written description of the Family Obligations under the program, the grounds under which the WHA can terminate assistance, and the WHA's informal hearing procedures. This Chapter describes when the WHA is required to terminate assistance, and the WHA's policies for the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR TERMINATION [24 CFR 982.552, 982.553]

If termination is based upon behavior resulting from a disability, the WHA will delay the termination in order to determine if there is an accommodation that would negate the behavior resulting from the disability.

Form of Termination

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP contract or approve a lease.
2. Terminating housing assistance payments under an outstanding HAP contract.
3. Refusing to process or provide assistance under portability procedures.

Mandatory Termination [24 CFR 982.552(b) (10)(d)]

The WHA must deny assistance to applicants, and terminate assistance for participants:

1. If any member of the family fails to sign and submit HUD or WHA required consent forms for obtaining information.
2. If no member of the family is a U.S. citizen or eligible immigrant. (See Chapter 14, Section E)
3. If the family is under contract and 180 days have elapsed since the WHA's last housing assistance payment was made.

Grounds for Termination of Assistance [24 CFR 982.552 (b)]

- A. The WHA may at any time terminate program assistance for a participant, for any of the following reasons:
1. The family violates any family obligation under the program as listed in 24 CFR 982.551.
 2. The family has not reimbursed any HA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
 3. The family breaches an agreement with a HA to pay amounts owed to a HA, or amounts paid to an owner by an HA.
 4. The family has engaged in or threatened abusive or violent behavior toward any HA personnel.

"Abusive or violent behavior towards HA personnel" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial.

"Threatening" refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence.

Actual physical abuse or violence will always be cause for termination.

5. Failure to fulfill the obligations and conditions of the FSS contract is grounds for termination of assistance.

B. TERMINATION OF ASSISTANCE FOR CRIMINALS AND ALCOHOL ABUSERS;
[24 C.F.R. 982.553]

1. Crime by family member, such as:
 - A. A HOUSEHOLD MEMBER IS CURRENTLY ENGAGING IN THE ILLEGAL USE OF A DRUG OR PATTERN OF ILLEGAL DRUG USE MAY THREATEN THE HEALTH, SAFETY, OR RIGHT TO PEACEFUL ENJOYMENT OF THE PREMISES BY OTHER RESIDENTS.
 1. The WHA will terminate participation in the program in cases where the WHA determines there is reasonable cause to believe that a household member is engaging in the illegal use of a drug. This includes, but is not

limited to, criminal conviction or ticket for illegal drug use or illegal drug possession

2. The WHA will terminate participation in the program in cases where the WHA determines there is reasonable cause to believe that a household member's illegal use of a drug or the household member's pattern of illegal use of a drug may pose a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.

B. OTHER CRIMINAL ACTIVITY

The WHA will terminate assistance to a household when the WHA determines that any household member has been arrested, charged, or convicted of;

- a. Drug-related criminal activity;
- b. Violent criminal activity;
- c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- d. Other criminal activity that may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the WHA.

Violent criminal activity stated above would include, but not be limited to:

- Murder
- Rape or similar sex-related crime
- Aggravated assault
- Kidnapping
- Arson
- Voluntary deviant sexual intercourse with a minor or any similar offense including corrupting the morals of a minor
- Voluntary or Involuntary Manslaughter
- Endangering the welfare of a child
- Possession of an illegal drug
- Possession with the intent to deliver an illegal drug
- Manufacture of any illegal drug
- Causing or risking a catastrophe
- Criminal Mischief (when the amount exceeds \$5,000.000)
- Burglary
- Robbery

- Felony theft by unlawful taking or disposition
- Felony Theft by deception
- Felony theft by extortion
- Felony theft of services
- Felony theft by failure to make required disposition of funds received.....

C. A HOUSEHOLD MEMBERS ABUSE OF ALCOHOL OR PATTERN OF ALCOHOL ABUSE MAY THREATEN THE HEALTH, SAFETY, OR RIGHT TO PEACEFUL ENJOYMENT OF THE PREMISIES BY OTHER RESIDENTS.

The WHA will termination assistance in the program in cases where the WHA determines there is reasonable cause to believe that a household member’s abuse of alcohol or the household member’s pattern of alcohol abuse may pose a threat to the health, safety, or right to peaceful enjoyment of the premises by other residents.

The WHA will consider the household member’s abuse of alcohol or pattern of alcohol abuse a threat to others health, safety, or right to peaceful enjoyment of the premises by other residents if;

1. A criminal conviction and/or ticket is received by a household member for a “disturbance” crime in the immediate vicinity of the assisted property whereas the individual committed the crime under the influence of alcohol.
2. Documented complaints from the property owner, WHA staff (including contract workers) on the property, owner’s management staff and/or contract workers, and/or neighbors in the vicinity of the assisted property that a household member’s abuse of alcohol is a disturbance to others health, safety, or right to peaceful enjoyment of the premises by other residents.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

1. The family must supply any information that the WHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 812). "Information" includes any requested certification, release or other documentation.
2. The family must supply any information requested by the WHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers (as provided by 24 CFR part 750) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813.

4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
6. The family must allow the WHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violations of the lease.
8. According to their Lease requirements, the family must notify the owner and, at same, notify the WHA before the family moves out of the unit or terminates the lease upon notice to the owner.
9. The family must promptly give the WHA a copy of any owner eviction notice.
10. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
11. The composition of the assisted family residing in the unit must be approved by the WHA. The family must promptly inform the WHA of the birth, adoption or court-awarded custody of a child. The family must request WHA approval to add any other family member as an occupant of the unit.
12. The family must promptly notify the WHA if any family member no longer resides in the unit.
13. If the WHA has given approval, a foster child or a live-in aide may reside in the unit. If the family does not request approval or WHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the WHA to verify that the family is living in the unit, or relating to family absence from the unit, including any WHA-requested information or certification on the purposes of family absences. The family must cooperate with the WHA for this purpose. The family must promptly notify the WHA of absence from the unit.

18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
21. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
22. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

D. HOUSING AUTHORITY DISCRETION

In deciding whether to terminate assistance because of action or failure to act by members of the family, the WHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The WHA will use its discretion in reviewing, the extent of participation or culpability of individual family members, the length of time since the violation occurred. The WHA may also review the family's and more recent history and record of compliance, and the effects of termination of assistance on other family members who were not involved in the action or failure to act.

The WHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure will not reside in the unit. The WHA may permit the other members of a family to continue in the program.

E. ENFORCING FAMILY OBLIGATIONS

Explanations and Terms

The term "Promptly" when used with the Family Obligations always means "within fourteen (14) days." Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: The inspector will determine if an HQS breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure HQS breaches by the Deputy Director.

Lease Violations: The criteria that will be used to decide if a serious or repeated violation of the lease will result in a termination of assistance: If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the WHA determines that the cause is a serious or repeated violation of the lease based on available evidence such as police reports, neighborhood complaints or other third party information, that has been verified by the WHA.

Notification of Eviction: If the family requests assistance to move and they did not notify the WHA of an eviction within seven (7) days of receiving the Notice of Lease Termination, the move will be denied.

Proposed additions to the family: The WHA may deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing.
- Persons who have previously violated a family obligation listed in 24CFR 982.51 of the HUD regulations.
- Persons who have been part of a family whose assistance has been terminated under a housing assistance program
- Persons who commit drug-related criminal activity or violent criminal activity.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Persons who currently owe rent or other amounts to the WHA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.
- Persons who have engaged in or threatened abusive or violent behavior toward HA personnel.

Family Member moves out: Families are required to notify the WHA if any family member leaves the assisted household. When the family notifies the WHA, they must furnish the following information. Families are required to notify the WHA if any family member leaves the assisted household. When the family notifies the WHA, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent. In addition, a release must be signed by adult household members to considered permanently absent. However, exceptions will be made for court ordered actions.

Limitation on Profit-making Activity in Unit: If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, or that the business is not legal, it will be considered a violation.

Interest in Unit: The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family.

Fraud: In each case, the WHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

F. NOTICE OF TERMINATION OF ASSISTANCE

In any case where the WHA decides to terminate assistance to the family, the WHA must give the family written notice which states:

- The reason(s) for the proposed termination,
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- The date by which a request for an informal hearing must be received by the WHA.

The WHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

G. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Termination due to Ineligible Immigrant Status

Participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The WHA must offer the family an opportunity for a hearing. (See Chapter 2, Section D.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

Temporary Deferral of Termination of Assistance

Ineligible families who were participants as of June 19, 1995, may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995, who elect not to accept prorated assistance, and are not eligible for

Continued Assistance. (See Chapter 14, "Contract Terminations.") The WHA must allow the mixed family time to find housing for ineligible members or for the entire family by deferring the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good-faith effort to locate housing. (See Chapter 12, Section G.)

Criteria for Approving Temporary Deferral of Termination of Assistance Due to Ineligible Immigration Status

The WHA will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing.

Affordable housing is defined as housing that is standard based on HQS, of appropriate size based on HQS, and for which the rent plus utilities is no more than 25% greater than the WHA-calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance, or for a renewal of temporary deferral of termination of assistance, the WHA will automatically grant and extend temporary deferral of termination of assistance so long as the market for affordable housing is limited in the jurisdiction.

Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six months. Additional deferrals can be made up to a maximum of three years, if the initial deferral was granted prior to 11/29/96. For deferrals granted after 11/29/96, additional deferrals may be made up to an aggregate total of 18 months. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified in writing sixty days before the end of the maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good-faith effort to locate affordable housing.

False or Incomplete Information

When the WHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the WHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The WHA will then verify eligible status, deny, terminate, or prorate as applicable.

The WHA will deny or terminate assistance based on the submission of false information or misrepresentations.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the WHA either after the INS appeal or in lieu of the INS appeal.

After the WHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

H. \$0 ASSISTANCE TENANTS [24 CFR 982.455 (a)]

HAP Old Contracts Prior to 10/2/95

For contracts which were effective prior to 10/2/95, the WHA is liable for unpaid rent and damages if the family vacates during the allowable 12 months after the last HAP payment. The WHA must perform all of the functions normally required, such as reexaminations and inspections. The participant will be notified of the right to remain on the program at \$0 assistance for 12 months. If the family is still in the unit after 12 months, the assistance will be terminated.

HAP New Contracts On or After 10/2/95

For contracts effective on or after 10/2/95, the WHA has no liability for unpaid rent or damages, and the family may remain in the unit at \$0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day time frame, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the WHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

I. OPTION NOT TO TERMINATE FOR MISREPRESENTATION [24 CFR 982.551, 982.552(c)]

If the family has misrepresented any facts that caused the WHA to overpay assistance, the WHA may choose not to terminate and may offer to continue assistance provided that the family

executes a Repayment Agreement and makes payments in accordance with the agreement or reimburses the WHA in full.

J. MISREPRESENTATION IN COLLUSION WITH OWNER

[24 CFR 982.551, 982.552 (c)]

If the family is intentionally, willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the WHA may terminate assistance.

In making this determination, the WHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

K. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the WHA to fulfill its responsibilities. The WHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the WHA to inspect the unit and appointments are made for this purpose.

A participant who fails to keep an appointment, or to supply information required by a deadline without notifying the WHA may be sent a Notice of Termination of Assistance for failure to provide required information, or for failure to allow the WHA to inspect the unit.

The family will be given information about the requirement to keep appointments, and the number of times appointments will be rescheduled as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

1. Verification Procedures
2. Voucher Issuance and Briefings
3. Housing Quality Standards and Inspections
4. Recertifications
5. Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are medical emergency, incarceration, and family emergency

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given two (2) opportunities before being issued a notice of termination for breach of a family obligation.

After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing the notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance.

Chapter 17

OWNER DISAPPROVAL AND RESTRICTION

INTRODUCTION

It is the policy of the WHA to recruit owners to participate in the housing assistance program. The WHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the WHA. The regulations define when the WHA must disallow an owner participation in the program, and they provide the WHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The WHA will disapprove the owner for the following reasons:

- HUD, or other agency directly related has informed the WHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the WHA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
- HUD has informed the WHA that a court or administrative agency has determined that the has owner violated the Fair Housing Act or other federal equal opportunity requirements.
- The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the WHA has adopted in this policy.
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

- The owner has engaged in drug trafficking.
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes.
- The owner has not paid State or local real estate taxes, fines or assessments.
- The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.302(a)(8), 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the WHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The WHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the WHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. OTHER REMEDIES FOR OWNER VIOLATIONS

Overpayments

If the landlord has been over-paid as a result of fraud, misrepresentation, or violation of the Contract, the WHA may terminate the Contract and arrange for restitution to the WHA and/or the family, as appropriate.

The WHA will make every effort to recover any over-payments made as a result of landlord fraud or abuse. Payments otherwise due to the owner will be debited in order to repay the WHA or the tenant, as applicable.

Chapter 18

OWNER OR FAMILY DEBTS TO THE WHA

INTRODUCTION

This Chapter describes the WHA's policies for the recovery of monies which have been overpaid for families and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the WHA's policy to meet the informational needs of owners and families and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the WHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the WHA, the WHA will make every effort to collect it. The WHA will use a variety of collection tools to recover debts including but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions
- Collection agencies
- Credit bureaus
- Income tax set-off programs

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 792.103, 982.552 (b)(6-8)]

A Payment Agreement as used in this Plan is a document entered into between the WHA and a person who owes a debt to the WHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the WHA upon default of the agreement. The maximum amount for which the WHA will enter into a Payment Agreement with a family is three thousand dollars (\$3,000).

The maximum length of time the WHA will enter into a Payment Agreement with a family is one (1) year.

The minimum monthly payment for any Payment Agreement is twenty-five (\$25) dollars.

Payment Schedule for Monies Owed to the WHA

<u>Initial Payment Due (% of Total Amount)</u>	<u>Amount Owed</u>	<u>Maximum Term</u>
30%	0 - \$500	3 - 6 months
30%	\$501 - \$1,000	6 - 10 months
30%	\$1,001 - \$3,000	12 months

The WHA will not enter into a Payment Agreement if the family already has a Payment Agreement in place, or if the WHA determines that the family committed program fraud.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the WHA for claims paid to an owner, the WHA will review the circumstances resulting in the overpayment and decide whether the family must pay the full amount. The WHA may enter into a Payment Agreement.

Late Payments

A payment will be considered to be in arrears if the payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's Payment Agreement is in arrears, the WHA will require the family to pay the balance in full, pursue civil collection of the balance due and/or terminate the housing assistance.

If the family requests a move to another unit and has a Payment Agreement in place for the payment of an owner claim, and the Payment Agreement is not in arrears, the family will be permitted to move.

If the family requests a move to another unit and is in arrears on a Payment Agreement for the payment of an owner claim, the family will be required to pay the balance in full or be terminated from the program.

C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

- Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

Family Error/Late Reporting

Families who owe money to the WHA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud below.

Program Fraud

Families who owe money to the WHA due to program fraud will be required to pay in accordance with the payment procedures for program fraud below.

If a family owes an amount which equals or exceeds one thousand (\$1,000) dollars as a result of program fraud, the case will be referred to the Inspector General. Where appropriate the WHA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

Families who commit program fraud, or untimely reporting of increases in income will be subject to the following procedures:

1. The duration of the agreement will not exceed the duration of the violation.
2. The maximum time period for a Payment Agreement will be six months.
3. The family will be required to pre-pay (1/2) of the amount owed prior to or upon execution of the Payment Agreement.

The minimum monthly payment will be twenty-five (\$25) dollars.

D. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(b)(8)]

Payment Agreements will be executed between the WHA and the head of household and spouse.

A Payment Agreement will be considered to be in default when it is in arrears for ten (10) days.

No move will be approved until the debt is paid in full unless the move is the result of the following causes and the Payment Agreement is current:

- Family size exceeds the HQS maximum occupancy standards
- The HAP contract is terminated due to owner non-compliance or opt-out
- A natural disaster

Additional Monies Owed: If the family already has a Payment Agreement in place and incurs an additional debt to the WHA, the WHA will not enter into more than one Payment Agreement with the family.

E. OWNER DEBTS TO THE WHA [24 CFR 982.453(b)]

If the WHA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to, the WHA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the WHA will require the owner to pay the amount in full within thirty (30) days and/or pursue collections through the local court system. In addition, the owner will be restricted from further participation.

F. WRITING OFF DEBTS

Debts will be written off if a determination is made that the debtor is judgement proof.

Chapter 19

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the WHA. This Chapter describes the policies, procedures and standards to be used when families disagree with an WHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the WHA to ensure that all families have the benefit of all protections due to them under the law.

A. COMPLAINTS TO THE WHA

The WHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The WHA may require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of the WHA or owner. Complaints from families will be referred to the Executive Director or Deputy Director.
2. Complaints from owners: If an owner disagrees with an action or inaction of the WHA or a family. Complaints from families will be referred to the Executive Director or Deputy Director.
3. Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules. Complaints from families will be referred to the Section 8 Coordinator.
4. Complaints from the general public: Complaints or referrals from persons in the community in regard to the WHA, a family or an owner. Complaints from families will be referred to the Section 8 Coordinator.

The WHA hearing procedures will be provided to families in the briefing packet.

B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS

[24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status, the applicant is entitled to an informal hearing.

When the WHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible,
- The procedure for requesting a review if the applicant does not agree with the decision and
- The time limit for requesting a review.

The WHA must provide applicants with the opportunity for an Informal Review of decisions denying:

- Listing on the WHA's waiting list
- Issuance of a Voucher
- Participation in the program

Informal Reviews are not required for established policies and procedures and WHA determinations such as:

1. Discretionary administrative determinations by the WHA
2. General policy issues or class grievances
3. A determination of the family unit size under the WHA subsidy standards
4. Refusal to extend or suspend a Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition

Procedure for Review

A request for an Informal Review must be received in writing by the close of the business day, no later than fourteen (14) days from the date of the WHA's notification of denial of assistance. The informal review will be scheduled within fourteen (14) from the date the request is received.

The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The Review may be conducted by a staff person who is at the Director level or above or a commissioner.

The applicant will be given the option of presenting oral or written objections to the decision. Both the WHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A Notice of the Review findings will be provided in writing to the applicant within thirty (30) days after the review. It shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

C. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

When the WHA makes a decision regarding the eligibility and/or the amount of assistance, applicants and participants must be notified in writing. The WHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the WHA.
- The date the proposed action or decision will take place.
- The family's right to an explanation of the basis for the WHA's decision.
- The procedures for requesting a hearing if the family disputes the action or decision;
- The time limit for requesting the hearing.
- To whom the hearing request should be addressed.
- A copy of the WHA's Hearing Procedures.

The WHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following WHA determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment
2. Appropriate utility allowance used from schedule
3. Family unit size determination under WHA subsidy standards
4. Determination to terminate assistance for any reason.

5. Determination to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.
6. Determination to pay an owner claim for damages, unpaid rent or vacancy loss.

The WHA must always provide the opportunity for an informal hearing before termination of assistance.

Informal Hearings are not required for established policies and procedures and WHA determinations such as:

1. Discretionary administrative determinations by the WHA.
2. General policy issues or class grievances.
3. Establishment of the WHA schedule of utility allowances for families in the program.
4. An WHA determination not to approve an extension or suspension of a voucher term.
5. An WHA determination not to approve a unit or lease.
6. An WHA determination that an assisted unit is not in compliance with HQS (WHA must provide hearing for family breach of HQS because that is a family obligation determination).
7. An WHA determination that the unit is not in accordance with HQS because of the family size.
8. An WHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

Notification of Hearing

It is the WHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the WHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the WHA receives a request for an informal hearing, a hearing shall be scheduled within fourteen (14) days. The notification of hearing will contain:

1. The date and time of the hearing.
2. The location where the hearing will be held.

3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense.
4. The right to view any documents or evidence in the possession of the WHA upon which the WHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than seven (7) days before the hearing date.
5. A notice to the family that the WHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than seven (7) days before the hearing date.

The WHA's Hearing Procedures

If a family does not appear at a scheduled hearing and has not rescheduled the hearing in advance, the family must contact the WHA within twenty-four (24) hours, excluding weekends and holidays. The WHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the WHA's determination.
- Examine the documents in the file which are the basis for the WHA's action, and all documents submitted to the Hearing Officer.
- Copy any relevant documents at their expense.
- Present any information or witnesses pertinent to the issue of the hearing.
- Request that WHA staff be available or present at the hearing to answer questions pertinent to the case.
and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

If the family requests copies of documents relevant to the hearing, the WHA will make the copies for the family and assess a charge of \$0.25 per copy. In no case will the family be allowed to remove the file from the WHA's office.

In addition to other rights contained in this Chapter, the WHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing.
- Be notified if the family intends to be represented by legal counsel, advocate, or another party.
- Examine and copy any documents to be used by the family prior to the hearing.
- Have its attorney present.
and
- Have staff persons and other witnesses familiar with the case present.

The Informal Hearing shall be conducted by the Hearing Officer appointed by the WHA who is neither the person who made or approved the decision, nor a subordinate of that person. The WHA appoints hearing officers who are WHA commissioners or management.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the Hearing in order to reconvene at a later date, before reaching a decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the WHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the WHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings shall be provided in writing to the WHA and the family within thirty (30) days and shall include:

- A clear summary of the decision and reasons for the decision;
- If the decision involves money owed, the amount owed; and
- documentation of the calculation of monies owed; and
- The date the decision goes into effect.

The WHA is not bound by hearing decisions:

- Which concern matters in which the WHA is not required to provide an opportunity for a hearing;
- Which conflict with or contradict to HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The WHA shall send a letter to the participant if it determines the WHA is not bound by the Hearing Officer's determination within fourteen (14) days. The letter shall include the WHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

D. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS"[24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the WHA hearing is pending but assistance to an applicant may be delayed pending the WHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the WHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the WHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the WHA a copy of the appeal and proof of mailing or the WHA may proceed to deny or terminate. The time period to request an appeal may be extended by the WHA for good cause.

The request for an WHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the WHA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

If there are eligible members in the family, the WHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.

- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

E. MITIGATING CIRCUMSTANCES FOR APPLICANTS/PARTICIPANTS WITH DISABILITIES [24 CFR 982.204, 982.552(c)]

When applicants are denied placement on the waiting list, or the WHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Chapter 20

SPECIAL HOUSING TYPES

[24 CFR 982.601]

INTRODUCTION

The WHA will not set aside any program funding for special housing types or for a special housing type. A family may choose whether to rent housing that qualifies as a special housing type or to rent other eligible housing in accordance with requirements of the program.

Verification of Need for Reasonable Accommodation

An example of acceptable documentation as verification of the need for reasonable accommodation would be a letter to the WHA describing how the special housing type requested provides the accommodation that the person needs. The request and documentation will be reviewed by the Director of Section 8 and a written response stating approval or disapproval will be sent to the applicant/participant within fourteen (14) of receipt of the request.

A copy of the WHA's response with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approved by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M - Special Housing Types.

A. SINGLE ROOM OCCUPANCY [24 CFR 982.602]

The WHA and the general local government approve providing assistance for SRO housing under the program.

The WHA and the general local government will certify to HUD that the property meets applicable local health and safety standards for SRO housing before approving any SRO unit.

The WHA will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO. [24 CFR 982.603]

SRO Rent and Housing Assistance Payment [24 CFR 982.604]

Voucher Program

The WHA SRO payment standard will not exceed the FMR/exception rent limit for SRO housing. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

Utility Allowance

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

Housing Quality Standards

The WHA will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SROs as regulated in 24 CFR 982.605.

B. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The WHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The WHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the FMR/exception rent limit for a family that resides in a congregate housing unit is the zero-bedroom FMR/exception rent limit.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the FMR/exception rent limit for a family that resides in a congregate housing unit is the one bedroom FMR/exception rent limit.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Housing Quality Standards

The WHA will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

C. GROUP HOMES [24 CFR 982.610]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.[24 CFR 982.612]

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the WHA, a live-in aide may reside with a person with disabilities.

The WHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must be elderly persons or persons with disabilities.

The WHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any WHA-approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the WHA will consider whether sanitary facilities, and facilities for food preparation and service are common facilities or private.

Maximum Subsidy

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

In a Regular Tenancy for a person who resides in a group home, the initial gross rent may not exceed either the FMR/exception rent limit for the family unit size or the pro-rata portion of the FMR/exception rent limit for the group home size.

For a Voucher Tenancy, the payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the group home size.

Utility Allowance

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Housing Quality Standards

The WHA will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

D. SHARED HOUSING [24 CFR 982.615]

Occupancy

An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The WHA may approve a live-in aide to reside with a family in order to care for a person with a disability. The WHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the WHA. However, housing assistance may not be paid on behalf of an owner. The WHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in Chapter Eleven, Section E.

Maximum Subsidy

For the Voucher Program the payment standard is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard for the shared housing unit size.

If the WHA approves a live-in aide, the live-in aide will be counted in determining the family unit size.

Utility Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Housing Quality Standards

The WHA will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

E. COOPERATIVE HOUSING [24 CFR 982.619]

The WHA will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The WHA will not approve assistance for a family in cooperative housing until the WHA has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with Chapter Eleven, Section E. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative.

The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down-payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in Chapter Eleven, Section H.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in Chapter Eleven.

The WHA may approve a live-in aide to reside with the family to care for a person with disabilities. The WHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the WHA approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Housing Quality Standards

The WHA will ensure that all cooperative housing units approved for the program are in compliance with all of the Housing Quality Standards outlined in Chapter Ten and regulated by 24 CFR 982.401.

F. MANUFACTURED HOMES [24 CFR 982.620]

The WHA will permit a family to lease a manufactured home and space with assistance under the program. The WHA will provide assistance for a family that owns the manufactured home and leases only the space.

The WHA may approve a live-in aide to reside with a family to care for a person with disabilities. The WHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the WHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Housing Quality Standards [24 CFR 982.621]

A manufactured home must meet all the HQS requirements outlined in Chapter Ten and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the WHA.

The WHA will not approve a lease for a manufactured home space until the WHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the WHA will redetermine that the rent is reasonable.

The WHA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The WHA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the WHA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the WHA, the owner must provide the WHA information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

For a Voucher or OFTO tenancy, the payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for manufactured home space rental. The payment standard will be determined by the WHA in accordance with this Administrative Plan.

Subsidy Calculation for the Voucher Program

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of: the amortization cost, the utility allowance, and the payment standard; OR

The monthly gross rent for the manufactured home space minus the minimum rent. For the Voucher program the minimum rent is the higher of: 10 percent of monthly gross income, or the WHA's minimum rent.

Amortization Cost

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount will be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the WHA determines that furniture was not included in the purchase price.

Any debt service due to refinancing the manufactured home after purchase of the home is not included in the amortization costs.

The WHA will not approve as part of the monthly amortization payment, set-up charges to be included in the debt service incurred by a family that relocates its home.

The WHA will not include as part of the monthly amortization payment, set-up charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The WHA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
CR	Contract Rent
ELI	Extremely Low-Income
FCV	Family Choice Voucher
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).

GR Gross Rent

HA	Housing Agency
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCV	Housing Choice Voucher
HCDA	Housing and Community Development Act
HQS	Housing Quality Standards
HUD	The Department of Housing and Urban Development or its designee.
HURRA	Housing and Urban/Rural Recovery Act of 1983
IG	Inspector General
IGR	Independent Group Residence
IPA	Independent Public Accountant
IRA	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFP	Request for Proposals
RRP	Rental Rehabilitation Program
SRO	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
TR	Tenant Rent

TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

ADMINISTRATIVE PLAN. The HUD required written policy of the HA governing its administration of the Section 8 Voucher program. The Administrative Plan and any revisions must be approved by the HA's board and a copy submitted to HUD.

ABSORPTION. In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME. Annual income, less allowable HUD deductions.

1. \$480 for each dependent;
2. \$400 for any elderly family or disabled family
3. The sum of the following, to the extent the sum exceeds three percent of annual income:
 - a. Unreimbursed medical expenses of any elderly family or disabled family; and
 - b. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.

A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed

or to further his/her education. Amounts of income deducted must be for un-reimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the PHA when the expense is incurred to permit education.

ADMINISTRATIVE FEE. Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program

ANNUAL INCOME. Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section or income that is specifically excluded by other federal statute.

If it is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) or the PHA believes that past income is the best available indicator of expected future income, the PHA will annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

Annual income includes:

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

Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

When the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of Social Security or SSI benefits is dealt with later in this section.

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.
6. All welfare assistance payments received by or on behalf of any family member. (24CFR Part 5(b)(6) contains rules applicable to "as-paid" States).
7. Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
8. All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in "Exclusions From Annual Income" provided below).
9. Included in annual income will be Imputed Welfare Income. Imputed welfare income is the amount of annual income not actually received by a Family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent. A specified welfare reduction is defined as:

A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or

because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

the amount of the imputed welfare income is offset by the amount of additional

income received by the family after the time the sanction was imposed. When the specified welfare reduction is imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

EXCLUSIONS FROM ANNUAL INCOME (24 CFR Part5)

Annual income does not include the following:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation) capital gains, and settlement for personal property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide, provided the person meets the definition of a live-in aide.
6. The full amount of student financial assistance paid directly to the student or the educational institution.
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Amounts received under HUD-funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments, and child care vouchers for the duration of the training; (THIS EXCLUSION WILL APPLY UNLESS REMOVED FROM FEDERAL REGULATIONS AS MANDATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT)
 - a. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).
 - b. Amounts received by a participant in other publicly assisted programs which are specifically for, or in reimbursement of, out-of-pocket expenses incurred for items such as special equipment, clothing, transportation, and child care, to allow participation in a specific program.

- c. Resident services stipend is a modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the PHA 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, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.
 - d. Incremental earnings and benefits resulting to any family member from participation in 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.
10. Temporary, non-recurring, or sporadic income (including gifts).
 11. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)
 12. Earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household and spouse).
 13. Adoption assistance payments in excess of \$480 per adopted child.

APPLICANT. (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in an HA program, budget authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing

COOPERATIVE. A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

CONTRACT AUTHORITY. The maximum annual payment by HUD to an HA for a funding increment.

CONTRACT RENT. In the Section 8 Certificate Program, Contract Rent is the total rent paid to the owner, including the tenant payment and the HAP payment from the PHA.

COVERED FAMILIES. Families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

COVERED PERSON. Means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

DISABLED FAMILY. A family where the head or spouse or sole member, is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

DISPLACED PERSON/FAMILY. A person or family 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 under federal disaster relief laws.

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

DRUG. Means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, or use of a drug, or the possession with intent to manufacture, sell, distribute or use the drug.

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

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or work activities.

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family). A family is defined by the HA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCEPTION RENT. In the certificate program an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program the exception rent is approved by HUD, or the HA under prescribed conditions, and is used in determining the initial contract rent. In the voucher program the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the **Federal Register**.

FAMILY. "Family" includes but is not limited:

1. An Elderly Family or Single Person as defined in 24 CFR 5.403(b),
2. The remaining member of a tenant family, and
3. A Displaced Person

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

1. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
2. The veteran or service person, unless deceased, is living with the family or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a family

member at the time of hospitalization and there remain in the family at least two related persons.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIT SIZE. The size of the Certificate or Voucher issued to the family based on the HA's subsidy standards.

FEDERALLY ASSISTED HOUSING. Means housing assisted under any of the following programs:

1. Public housing;
2. Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437(F));
3. Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);
4. Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act;
5. Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013);
6. Housing financed by a loan or mortgage insured under section 211(d) (3) of the National Housing Act (12 U.S.C. 1715l(d) (3)) that bears interest at a rate determined under the proviso of section 221(d) (5) of such Act (12 U.S.C. 1715l(d) (5)0);
7. Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1); or
8. Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

FMR/EXCEPTION RENT LIMIT. The section 8 existing housing fair market rent published by HUD headquarters or any exception rent. In the certificate program the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for

the dwelling unit or for the family unit size). In the voucher program the HA may adopt a payment standard up to the FMR/exception rent limit.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis.

FUNDING INCREMENT. Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Contract Rent and the utility allowance for utilities not included in the rent.. If there is no utility allowance, Contract Rent equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

GUEST. Means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSEHOLD. Means the family and PHA-approved live-in aide.

HOUSING AGENCY. A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by an HA. The total assistance payment consists of:

1. A payment to the owner for rent to owner under the family's lease.
2. An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between an HA and an owner in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HOUSING CHOICE VOUCHER. The Merger of the Section 8 Tenant-Based Certificate and Voucher Program, effective October 1, 1999.

HOUSING QUALITY STANDARDS (HQS). The HUD minimum quality standards for housing assisted under the tenant-based programs.

HUD REQUIREMENTS. HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA. The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

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

IMPUTED ASSET INCOME. HUD passbook rate times total cash value of assets. Calculation used when assets exceed \$5,000.

IMPUTED WELFARE INCOME. Imputed welfare income is the amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless include in the family's annual income for purpose of determining rent.

INITIAL HA. In portability, the term refers to both:

1. An HA that originally selected a family that later decides to move out of the jurisdiction of the selecting HA; and
2. An HA that absorbed a family that later decides to move out of the jurisdiction of the absorbing HA.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER. The rent to owner at the beginning of the HAP contract term.

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

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either:

1. By exercise of the power of self-government of an Indian Tribe, independent of State law, or
2. By operation of State law providing specifically for housing authorities for Indians.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

INVOLUNTARILY DISPLACED PERSON. Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

JURISDICTION. The area in which the HA has authority under State and local law to administer the program.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

LAW ENFORCEMENT AGENCY. The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

LEASE.

1. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the HA
2. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA.

LEASE ADDENDUM. In the lease between the tenant and the owner, the lease language required by HUD.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who:

1. Is determined to be essential to the care and well-being of the person.
2. Is not obligated for the support of the person.
3. Would not be living in the unit except to provide necessary supportive services.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental

assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

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.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility Reimbursement Payment (URP).

NET FAMILY ASSETS. 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 is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

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

OCCUPANCY STANDARDS. [Now referred to as **Subsidy Standards**] Standards established by an HA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OTHER PERSON UNDER THE TENANT'S CONTROL. For the purposes of the definition of covered person, means that the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the HA's certificate program or voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (First day of initial lease term).

PAYMENT STANDARD. In a voucher or over-FMR tenancy, the maximum subsidy payment for a family (before deducting the family contribution). For a voucher tenancy, the HA sets a payment standard in the range from 80 to 100 percent of the current FMR/exception rent limit. For an over-FMR tenancy, the payment standard equals the current FMR/exception rent limit.

PERSON WITH A DISABILITY. A person with disabilities:

1. Means a person who:
 - a. Has a disability as defined in 42 U.S.C. 423;
 - b. A person who is determined, pursuant to HUD regulations, 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 the ability to live independently could be improved by more suitable housing condition; or
 - c. A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).
2. This does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
3. For purpose of qualifying for low-income housing, this does not include a person whose disability is based solely on any drug or alcohol dependence; and
4. Means "individual with handicaps", as defined in this section for purposes of reasonable accommodation and program accessibility for persons with disabilities.

PREMISES. Means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

PREVIOUSLY UNEMPLOYED. (Applies to Housing Choice Voucher Program only)

Includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

PORTABILITY. Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial HA

PREMISES. The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "PHA" includes an Indian housing authority (IHA). ("PHA" and "HA" mean the same thing.) In this rule, a "PHA" is referred to as a "housing agency" (HA).

QUALIFIED FAMILY. A disabled family participating in the Housing Choice Voucher Program whose:

1. Annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment:
2. Annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program: or
3. Annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments wage subsidies and transportation assistance-provided that the total amount over a six-month period is at least \$500.

REASONABLE RENT. A rent to owner that is not more than rent charged:

1. For comparable units in the private unassisted market; and
2. For comparable unassisted units in the premises.

RECEIVING HA. In portability: An HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher and provides program assistance to the family.

RECERTIFICATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim recertifications.

REGULAR TENANCY. In the Certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY. For the public housing and Section 8 tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

SECRETARY. The Secretary of Housing and Urban Development.

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the HA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPECIFIED WELFARE REDUCTION. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The husband or wife of the head of the household.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
5. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
6. A Public Housing Project.

SUBSIDY STANDARDS. Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

SUSPENSION. Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

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

TENANT RENT. The amount payable monthly by the family as rent to the unit owner (Section 8 or PHA in public housing).

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD 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 healthy living environment.

UTILITY REIMBURSEMENT PAYMENT. This definition applies to the Wheeling Housing Authority's Mod-Rehab and Certificate Programs. 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.

VACANCY LOSS PAYMENTS. (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family that included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Certificate and Voucher Programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY. Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

WELFARE ASSISTANCE. Welfare or other payments to families or individuals, based on Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER HOLDER. A family holding a voucher with unexpired search time.

VOUCHER PROGRAM. The rental voucher program.

WAITING LIST ADMISSION. An admission from the HA waiting list.

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

WELFARE RENT. This concept is used ONLY for Section 8 Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

1. If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or recertification is being processed.
2. If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

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

CITIZEN. A citizen or national of the United States.

EVIDENCE. Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

HA. A housing authority- either a public housing agency or an Indian housing authority or both.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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.

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

PHA. A housing authority who operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the HA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.

PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54]

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The WHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The WHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.

This Chapter outlines the WHA's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the WHA undertake an inquiry or an audit of a participating family arbitrarily. The WHA's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. The WHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the WHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the WHA's attention, to investigate such claims.

The WHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

1. Referrals, Complaints, or Tips. The WHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.

2. **Internal File Review.** A follow-up will be made if WHA staff discovers (as a function of a certification or recertification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the WHA's knowledge of the family, or is discrepant with statements made by the family.
3. **Verification of Documentation.** A follow-up will be made if the WHA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE WHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The WHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

1. *Things You Should Know.* This program integrity bulletin (created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the WHA's expectations for cooperation and compliance.
2. **Program Orientation Session.** Mandatory orientation sessions will be conducted by the WHA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all Program Orientation Sessions, the family representative will be required to sign a "Program Briefing Certificate" to confirm that all rules and pertinent regulations were explained to them.
3. **Resident Counseling.** The WHA will routinely provide participant counseling as a part of every recertification in order to clarify any confusion pertaining to program rules and requirements.
4. **Review and explanation of Forms.** Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.
5. **Use of Instructive Signs and Warnings.** Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse
6. **Participant Certification.** All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

C. STEPS THE WHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The WHA Staff will maintain a high level of awareness to indicators of possible abuse and fraud by assisted families.

1. **Quality Control File Reviews.** Prior to initial certification, and at the completion of all subsequent recertifications, five (5%) percent of files will be reviewed. Such reviews shall include, but are not limited to:
 - Assurance that verification of all income and exclusions is present.
 - Changes in reported Social Security Numbers or dates of birth.
 - Authenticity of file documents.
 - Ratio between reported income and expenditures.
 - Review of signatures for consistency with previously signed file documents.
 - All forms are correctly dated and signed.
2. **Observation.** The WHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. Observations will be documented in the family's file.
3. **Public Record Bulletins** may be reviewed by Management and Staff.
4. **State Wage Data Record Keepers.** Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits
5. **Credit Bureau Inquiries.** Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstances:
 - At the time of final eligibility determination
 - When an allegation is received by the WHA wherein unreported income sources are disclosed.
 - When a participant's expenditures exceed his/her reported income, and no plausible explanation is given.

D. THE WHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The WHA staff will encourage all participating families to report suspected abuse to the Section 8 Coordinator. All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. The Section 8 Coordinator will not follow up on allegations which are vague or otherwise non-specific. They will only review allegations which contain one or more independently verifiable facts.

1. **File Review.** An internal file review will be conducted to determine:

If the subject of the allegation is a client of the WHA and, if so, to determine whether or not the information reported has been previously disclosed by the family.

It will then be determined if the WHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

2. **Conclusion of Preliminary Review.** If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Section 8 staff will initiate an investigation to determine if the allegation is true or false.

E. OVERPAYMENTS TO OWNERS

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract, the WHA may terminate the Contract and arrange for restitution to the WHA and/or family as appropriate.

The WHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the WHA or the tenant, as applicable.

F. HOW THE WHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the WHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the

program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the WHA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

Verification of Credit. In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the WHA's review.

Other Agencies. Investigators, case workers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the WHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The WHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate WHA office. A high standard of courtesy and professionalism will be maintained by the WHA staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE WHA

Documents and other evidence obtained by the WHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will not be discussed among WHA Staff unless they are involved in the process, or have information which may assist in the investigation.

H. CONCLUSION OF THE WHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the WHA will review the facts to determine:

1. The type of violation (procedural, non-compliance, fraud).
2. Whether the violation was intentional or unintentional.
3. What amount of money (if any) is owed by the family.
4. If the family is eligible for continued occupancy.

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the WHA will propose the most appropriate remedy based upon the type and severity of the violation.

1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the WHA , but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

- a. Failure to appear at a pre-scheduled appointment.
- b. Failure to return verification in time period specified by the WHA.
 1. Warning Notice to the Family. In such cases a notice will be sent to the family which contains the following:
 2. A description of the non-compliance and the procedure, policy or obligation which was violated.

3. The date by which the violation must be corrected, or the procedure complied with.
 4. The action which will be taken by the WHA if the procedure or obligation is not complied with by the date specified by the WHA.
 5. The consequences of repeated (similar) violations.
2. **Procedural Non-compliance - Overpaid Assistance.** When the family owes money to the WHA for failure to report changes in income or assets, the WHA will issue a Notification of Overpayment of Assistance. This Notice will contain the following:
- a. A description of the violation and the date(s).
 - b. Any amounts owed to the WHA .
 - c. A fourteen (14) day response period.
 - d. The right to disagree and to request an informal hearing with instructions for the request of such hearing.
 1. Participant Fails to Comply with WHA's Notice. If the Participant fails to comply with the WHA's notice, and a family obligation has been violated, the WHA will initiate termination of assistance.
 2. Participant Complies with WHA's Notice. When a family complies with the WHA's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one copy to the family and retain a copy in the family's file.
3. **Intentional Misrepresentations.** When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the WHA, the WHA will evaluate whether or not:
- a. The participant had knowledge that his/her actions were wrong, and
 - b. The participant willfully violated the family obligations or the law.
- Knowledge that the action or inaction was wrong. This will be evaluated by determining if the participant was made aware of program requirements and

prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration and Things You Should Know are adequate to establish knowledge of wrong-doing.

The participant willfully violated the law. Any of the following circumstances will be considered adequate to demonstrate willful intent:

- a. An admission by the participant of the misrepresentation.
- b. That the act was done repeatedly.
- c. If a false name or Social Security Number was used.
- d. If there were admissions to others of the illegal action or omission.
- e. That the participant omitted material facts which were known to him/her (e.g., employment of self or other household member).
- f. That the participant falsified, forged or altered documents.
- g. That the participant uttered and certified to statements at a interim (re)determination which were later independently verified to be false.

4. **Dispositions of Cases Involving Misrepresentations.** In all cases of misrepresentations involving efforts to recover monies owed, the WHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

- a. Criminal Prosecution: If the WHA has established criminal intent, and the case meets the criteria for prosecution, the WHA will refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.
- b. Administrative Remedies: The WHA may terminate assistance depending on the severity of the misrepresentation. In accordance with the WHA's Repayment Policy, a repayment agreement may be executed.

5. **The Case Conference for Serious Violations and Misrepresentations.** When the WHA has established that material misrepresentation(s) have occurred, a Case Conference will be scheduled with the family representative and the WHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the WHA. The purpose of such conference is to review the information and evidence obtained by the WHA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's

file. Any documents or mitigating circumstances presented by the family will be taken into consideration by the WHA . The family will be given seven (7) days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the WHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the WHA will consider:

- The duration of the violation and number of false statements.
- The family's ability to understand the rules.
- The family's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The family's past history
- Whether or not criminal intent has been established.
- The number of false statements.

6. **Notification to Participant of Proposed Action.** The WHA will notify the family of the proposed action no later than fourteen (14) days after the case conference by certified mail.

Component 10(B) Voluntary Conversion Initial Assessments

- a. How many of the PHA’s developments are subject to the Required Initial Assessments? One – Hil-Dar (Project 3-4)
- b. How many of the PHA’s developments are not subject to the Required Initial Assessments based on exemptions (e.g., elderly and/ or disabled developments not general occupancy projects)? Four developments are exempt – Riverview Towers (Project 3-5), Luau Manor (Project 3-6), Garden Park Terrace (Project 3-7), and Booker T. Washington (Project 3-10)
- c. How many Assessments were conducted for the PHA’s covered developments? One – Hil-Dar (Project 3-4)
- d. Identify PHA developments that may be appropriate for conversion based on the Required Initial Assessments:

DEVELOPMENT NAME	NUMBER OF UNITS
None	

- e. If the PHA has not completed the Required Initial Assessments, describe the status of these assessments: N/a



11 Community Street • P. O. Box 2089 • Wheeling, West Virginia 26003-0289

E-mail: wheeling_ha@mindspring.com

Phone (304) 242-4447 • Fax (304) 242-4495

Lisa B. Zukoff, Executive Director



Booker T. Washington • Garden Park Terrace • Grandview Manor • Hil-Dar
Lincoln Homes • Luau Manor • Riverview Towers • Section 8 Office

HOUSING AUTHORITY OF THE CITY OF WHEELING RESIDENT ADVISORY BOARD

We, the members of the Resident Advisory Board of the Housing Authority of the City of Wheeling, certify, by signing below, that we have reviewed the Five-Year (2000-2004) and fiscal year 2003 Annual Plans of the Housing Authority of the City of Wheeling. After two meetings discussing the contents of the plans with the Housing Authority staff, we do not have any comments to the plans.

Signed this Wednesday, June 11, 2003 by members in attendance of the June 11, 2003
Resident Advisory Board Meeting.

SIGNATURES:

Sue Eberhart

Jerry A. Craig

Pauline C. Myers

Juanita Bledsoe

Larry Mitchell

Section 8 PHA Project-Based Vouchers

The Wheeling Housing Authority reserves the option through this plan to project-base up to 10 % of its Section 8 Vouchers, or a maximum of 40 units. The locations will be in the HOPE VI affected areas of the City of Wheeling, as well as areas of low minority or non-poverty areas of the City. This is consistent with our Annual Plan in that we are working to improve the neighborhoods of North and East Wheeling and to increase the number of housing options to residents to reside in non-poverty/ low minority concentrated areas of the City of Wheeling. By project basing units in these areas of the City, we will be able to offers more of a variety of housing choices of residents and be able to offer those options for a period of years.

ADMINISTRATION OF THE COMMUNITY SERVICE REQUIREMENTS TO BE REENACTED EFFECTIVE 10/1/2003

- 1. Dwelling Lease** – The Wheeling Housing Authority modified our Dwelling Leases to include the wording for the mandatory Community Service Requirements in 1999. All residents on or before October 1, 1999 executed the new Dwelling Leases. New move ins executed the new Leases effective April 1, 1999 however, they were informed that the Community Service Requirements would not begin until October 1, 1999.
- 2. Written description of community service requirement** – The community service requirements, listing of exempt individuals, and agreement policy for non-compliance is incorporated into the Authority's Admission and Continued Occupancy Policy.
- 3. Notice to residents** – All residents were informed of the community service requirement, in writing, prior to October 1, 1999. Said notice stated what individuals would be exempt from the requirement. Residents affected by the requirement were informed at the time they executed their new Dwelling Lease prior to the October 1, 1999 implementation date. A listing of agencies providing volunteer opportunities is provided to each resident, and is included in this attachment.

Each year, during the annual re-exam, the Head of Household will sign a form, which outlines the community service requirements and those in their household who must comply with said requirements.

- 4. Cooperative Agreements** – The Wheeling Housing Authority entered into a Cooperative Agreement with the local Department of Health and Human Services. The information to be shared includes, but is not limited to:
 - a. Verification of exemption from the WV Works Program;
 - b. Status of a TANF recipient's benefits, including reason for sanction or termination of assistance; and
 - c. Participation in self-sufficiency initiatives.

- 5. Administration of the community service program** – The Wheeling Housing Authority has chosen to administer its own community service program. Each Public Housing Manager keeps a logbook, which includes a listing of each adult required to complete the requirements. The log allows management to track the community service hours. Each individual is sent a written notice at the beginning of the month notifying them of their requirement. Attached to the resident's notice is a list of approximately 17 local agencies that the resident can contact to schedule their community service hours. These agencies vary in the types of programs and/or services they provide. Residents can contact, and perform service hours, for other agencies not listed on the provider sheet. The Housing Authority also accepts residents performing community service to help with our children's programs, and self-sufficiency activities.

The monthly notice also includes a form that the participating agency must complete and return. This form verifies the community service performed.

To determine continued occupancy at the next annual re-exam, the residents are notified of any hours owed and are given the opportunity to sign an agreement to complete hours owed during the next 12 month period.

AGENCIES WHICH UTILIZE VOLUNTEERS

(All agencies in Wheeling unless otherwise noted)

American Red Cross, Ohio Valley Chapter

193 29th Street

(304) 232-0711

(Provides assistance for disaster victims; assists military families & veterans including counseling, emergency communication, and financial aid; sponsors health and safety services; coordinates volunteers and collects blood provided to area hospitals.)

Big Brothers Big Sisters

51 11th Street

(304) 232-0520 or (800) 217-2227

(Programs for youngsters of single parent families aged 5-17, provides adult mentors to children in need of positive adult guidance.)

Boy Scouts of America, Ohio River Council

Sandscrest

P.O. Box 6186

(304) 277-2660

(Programs to help instill values in young people and to help them develop skills in making ethical decisions, provides comprehensive youth development to assist them in achieving their full potential.)

Catholic Community Services

7 13th Street

(304) 233-0880

Neighborhood Center

125 18th St.

(304) 232-7157

(Provides emergency food, shelter, and clothing; assists with utilities and prescriptions; represents clients at Welfare and Social Security hearings; provides medicaid Waiver program which helps keep individuals with a handicap who are at least 18 years of age and the elderly in their own homes)

Community Child Care Center

1136 Eoff Street

(304) 233-5363

(Provides full day care for children age two to twelve, all activities are age appropriate and designed to enhance educational, physical, emotional, and social growth of the children.)

Family Services, Upper Ohio Valley

Counseling Division

(304) 233-2350

Consumer Credit

Counseling/Conservator

((304) 232-6733)

Senior Services Division

(304) 232-6730

Senior Aides Employment

(304) 233-2350

Senior Nutrition Program Sites

Human Resources Center

(304) 232-6730

Dr. Blaskovich Center (Triadelphia)

(304) 547-4115

(Provides individual, couple, group, and geriatric in-home counseling and employee assistance programs; consumer credit counseling, conservator-representative payee program; Senior Services including in-home services, personal care, chore services, and companionship; Alzheimer social support; Adult Day Care Center; Adult Day Treatment Program; van transportation; outreach social support; health clinics; Senior AIDEs employment; and recreational activities.)

Girl Scouts of U.S.A. - Black Diamond Council

303 South 4th Street

Martins Ferry OH

(740) 633-6464

(Provides informal educational and developmental programs to help girls age 5-17 achieve their full potential, develop their own personal values, learn to relate positively to others, and contribute service to their community.)

Literacy Volunteers of Marshall & Ohio Counties

YWCA Building

1100 Chapline Street

(304) 232-0511

(Recruits, trains, and matches volunteer tutors to work one on one with adult students to improve basic literacy skills.)

Marshall County Senior Center

805 5th Street

Moundsville, WV

(304) 845-8200

(Provides recreational, social, and nutritional programs for senior adults.)

Seeing Hand Association

750 Main Street

(304) 232-4810

(Therapy workshop for blind, helps visually handicapped adjust, and provides social and recreational activities.)

Society of St. Vincent De Paul

23rd & Main Street

(304) 232-4230

(Provides assistance to help needy with food, clothing, furniture, and assistance with utilities and prescriptions.)

The Salvation Army**Belmont County Corp**

315 37th Street

Bellaire OH

(740) 676-6225

Marshall County Corps

700 Jefferson Avenue

Moundsville WV

(304) 845-0510

Wheeling Corps

140 16th St.

(304) 233-4400

(Provides emergency food, clothing, and shelter; assists those in need with utility bills and rent; provides material assistance such as household items and furniture; provides disaster assistance; social and recreational programs for all age groups.)

Wheeling Health Right, Inc.

99 North Main Street

(304) 233-9323

(Community supported free clinic; primary health care services for people with no medical insurance or Medicaid, and who have incomes at or below federal poverty guidelines.)

Wheeling Soup Kitchen

1100 Chapline Street

(304) 233-2992

(Provides nutritional meal service)

Y.M.C.A.

55 Lounez Avenue

(304) 242-8086

(Provides health and physical fitness programs including aquatics and team sports for all ages.)

Y.W.C.A.

1100 Chapline St.

(304) 232-0511

(Provides Homeless Women=s Shelter, Project on Racism, Health & Fitness, ENCOREplus breast & cervical cancer screening, education; workshop and seminar programs.)

Chapter 10

PET POLICY

INTRODUCTION

This Chapter explains the WHA's policies on the keeping of pets in the Public Housing and HOPE VI Revitalization Program, and any criteria or standards pertaining to the policy. The rules adopted are reasonably related to the legitimate interest of this WHA to provide a decent, safe and sanitary living environment for all tenants, to protecting and preserving the physical condition of the property, and the financial interest of the WHA.

The purpose of this policy is to establish the WHA's policy and procedures for ownership of pets to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

A. ANIMALS THAT ASSIST, SUPPORT OR PROVIDE SERVICE TO PERSONS WITH DISABILITIES

The resident pet owner will be required to qualify animals (for exclusion from the pet policy) that assist, support or provide service to persons with disabilities.

Pet rules will not be applied to animals that assist, support or provide service to persons with disabilities, or that are necessary as a reasonable accommodation to a person with disabilities. This exclusion applies to both service animals and companion animals as reasonable accommodation for persons with disabilities. This exclusion applies to such animals that reside in public housing and that visit these developments.

B. STANDARDS FOR PETS

Common Household Pets

The types of pets described below are considered common household pets. No types of pets other than the following may be kept by a resident. The following types and qualifications are consistent with applicable State and local law.

- Dogs: The maximum number permitted is one dog. The maximum adult weight cannot exceed twenty-five pounds. The dog must be housebroken, spayed or neutered, must have all State required inoculations, and must be licensed as specified now or in the future by State law and local ordinance. Any litter resulting from the dog must be removed immediately from the unit.

- Cats: The maximum number permitted is one cat. The cat must be declawed, trained to use a litterbox or other waste receptacle, spayed or neutered, must have all State required inoculations, and must be licensed as specified now or in the future by State law and local ordinance. Any litter resulting from the cat must be removed immediately from the unit.
- Birds: The maximum number of birds permitted in the unit is two, if average cockatiel size (parakeets, finches, etc.), or one if a larger bird (such as a parrot, macaw, etc.). The bird(s) must be enclosed in a cage at all times
- Fish: The maximum aquarium size is ten gallon and must be maintained on an acceptable stand.
- Turtles: The maximum number of turtles is one per unit. The turtle must be enclosed in an acceptable cage or container at all times.

Prohibited Pets

The following are NOT considered "common household pets" and are not permitted:

- Domesticated dogs that exceed twenty-five pounds. (Animals certified to assist persons with disabilities are exempt from this weight limitation).
- Rodents are not permitted.
- Vicious or intimidating pets. Dog breeds including pit bull, rottweiler, chow, boxer, Doberman, Dalmatian, and German shepherd are considered vicious or intimidating breeds and are not allowed.
- Animals who would be allowed to produce offspring for sale.
- Wild, feral, or any other animals that are not amenable to routine human handling.
- Any poisonous animals of any kind.
- Fish in aquariums exceeding ten gallons in capacity.
- Non-human primates.
- Animals whose climatological needs cannot be met in the unaltered environment of the individual dwelling unit.
- Pot-bellied pigs.
- Ferrets or other animals whose natural protective mechanisms pose a risk of serious bites and/or lacerations to small children.
- Hedgehogs or other animals whose protective instincts and natural body armor produce a risk

of serious puncture injuries to children.

- Pigeons, doves, mynahs, psittacines, and birds of other species that are hosts to the organisms that cause psittacosis in humans.
- Snakes or other kinds of reptiles.

C. REGISTRATION OF PETS

Registration Requirements

Pets must be registered with the WHA before they are brought onto the premises.

Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, has no communicable disease(s), and is pest-free. Registration must be renewed and will be coordinated with the annual reexamination date. Proof of license and inoculation will be submitted at least 30 days prior to annual reexamination.

Each pet owner must provide two color photographs of their pet(s).

Refusal to Register Pets

If the WHA refuses to register a pet, a written notification will be sent to the pet owner stating the reason for denial. The notification will be served in accordance with HUD notice requirements.

The WHA will refuse to register a pet if:

- The pet is not a common household pet as defined in this policy;
- Keeping the pet would violate any House Rules;
- The pet owner fails to provide complete pet registration information;
- The pet owner fails to update the registration annually;
- The WHA reasonably determines that the pet owner is unable to keep the pet in compliance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with the provisions of the lease.

The notice of refusal may be combined with a notice of pet violation.

D. PET AGREEMENT

Residents who have been approved to have a pet must enter into a Pet Agreement with the WHA.

The Resident will certify, by signing the Pet Agreement, that the Resident will adhere to the following rules:

- Agree that the resident is responsible and liable for all damages caused by their pet(s).
- All complaints of cruelty and all dog bites will be referred to animal control or applicable agency for investigation and enforcement.
- All common household pets are to be fed inside the apartment. Feeding is not allowed on porches, sidewalks, patios or other outside areas.
- Residents shall not feed any stray animals; doing so, or keeping stray or unregistered animals, will be considered having a pet without permission.
- No animals may be tethered or chained outside or inside the dwelling unit.
- When outside the dwelling unit, all pets must be on a leash or in an animal transport enclosure and under the control of a responsible individual.
- All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area, including any pet or animal exercise area. Failure to do so will result in a Pet Waste Removal charge to the resident, which will consist of all reasonable charges incurred by the Housing Authority. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin.
- Litter boxes shall be stored inside the resident's dwelling unit or in animal enclosures maintained within dwelling units AND must be removed and/or replaced regularly. Failure to do so will result in a Pet Waste Removal charge. Litter shall not be disposed of by being flushed through a toilet.
- The resident pet owner shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.
- Mandatory implementation of effective flea control by measures that produce no toxic hazard to children who may come into contact with treated animals.
- The right of management to enter dwelling unit when there is evidence that an animal left alone is in danger or distress, or is creating a nuisance.
- The right of management to seek impoundment and sheltering of any animal found to be maintained in violation of housing rules, pending resolution of any dispute regarding such violation, at owner's expense. The resident shall be responsible for any impoundment fees,

and the WHA accepts no responsibility for pets so removed.

- Failure to abide by any animal-related requirement or restriction constitutes a violation of the Resident Obligations in the resident's Lease Agreement.
- Residents will prevent disturbances by their pets that interfere with the quiet enjoyment of the premises of other residents in their units or in common areas. This includes, but is not limited to, loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.
- Residents/pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal. Installation of pet doors is prohibited.

E. LIMITATIONS ON PET OWNERSHIP

All developments allow for the ownership of a pet, as outlined in this chapter.

F. DESIGNATION OF PET-FREE AREAS

The following areas are designated as no-pet areas:

- WHA playgrounds
- WHA day care centers
- WHA management offices
- WHA community centers
- WHA recreation center areas

G. PETS TEMPORARILY ON THE PREMISES

Residents are prohibited from feeding or harboring stray animals. Pets that are not owned by a tenant are not allowed.

H. DEPOSITS FOR PETS AND PET WASTE REMOVAL CHARGES

Tenants with animals must pay a pet deposit of \$300 for the purpose of defraying all reasonable costs directly attributable to the presence of a particular pet.

The resident will be responsible for all reasonable expenses directly related to the presence of the animal or pet on the premises, including the cost of repairs and replacement in the apartment, and the cost of animal care facilities if needed. These charges are due and payable within 30 days of written notification.

An initial payment of \$100 on or prior to the date the pet is properly registered and brought into
Wheeling Housing Authority Admissions and Continued Occupancy Policy

the apartment, and monthly payments will be paid in an amount not less than \$25 until the specified deposit has been paid. The WHA reserves the right to change or increase the required deposit by amendment to these rules. The WHA will refund the Pet Deposit to the tenant, less any damage caused by the pet to the dwelling unit, within a reasonable time after the tenant moves or upon removal of the pet from the unit.

The WHA will return the Pet Deposit to the former tenant or to the person designated by the former tenant in the event of the former tenant's incapacitation or death.

The WHA will provide the tenant or designee identified above with a written list of any charges against the pet deposit. If the tenant disagrees with the amount charged to the pet deposit, the WHA will provide a meeting to discuss the charges, in accordance with the grievance procedure described in Chapter 14.

All reasonable expenses incurred by the WHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including, but not limited to:

- The cost of repairs and replacements to the resident's dwelling unit;
- Fumigation of the dwelling unit;
- Common areas of the project if applicable
- Pet waste removal charges.

The expense of flea disinfestations shall be the responsibility of the resident. If the tenant is in occupancy when such costs occur, the tenant shall be billed for such costs as a current charge. Failure to pay current charges will be considered a violation of the lease. If such expenses occur as the result of a move-out inspection, they will be deducted from the pet deposit. The resident will be billed for any amount that exceeds the pet deposit. The pet deposit will be refunded when the resident moves out or no longer has a pet on the premises, whichever occurs first.

Pet Deposits are not a part of rent payable by the resident.

I. ADDITIONAL PET FEES

The WHA does not require a non-refundable nominal fee.

J. PET WASTE REMOVAL CHARGE

All fecal matter deposited by the pet(s) must be promptly and completely removed from any common area. Failure to do so will result in a Pet Waste Removal charge to the resident, which will consist of all reasonable charges incurred by the Housing Authority. All animal waste or the litter from litter boxes shall be picked up immediately by the pet owner, disposed of in sealed plastic trash bags, and placed in a trash bin. Litter shall not be disposed of by being flushed

through a toilet.

Pet waste removal charges are not part of rent payable by the resident.

K. PET AREA RESTRICTIONS

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

L. LITTER BOX REQUIREMENTS

All animal waste or the litter from litter boxes shall be picked up/emptied daily by the pet owner, disposed of in heavy, sealed plastic trash bags, and placed in a trash container immediately. Litter shall not be disposed of by being flushed through a toilet. Litter boxes shall be stored inside the resident's dwelling unit.

M. PET CARE

No pet (excluding fish) shall be left unattended in any apartment for a period in excess of 24 hours.

All residents/pet owners shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Residents/pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets, or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.

N. RESPONSIBLE PARTIES

The resident pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

O. INSPECTIONS

The WHA may, after reasonable notice to the tenant during reasonable hours, enter and inspect the premises, in addition to other inspections allowed.

P. PET RULE VIOLATION NOTICE

The authorization for a common household pet may be revoked at any time subject to the Housing Authority's grievance procedure if the pet becomes destructive or a nuisance to others, or if the tenant fails to comply with this policy.

Residents who violate these rules are subject to mandatory removal of the pet from the premises within 30 days of notice by the Housing Authority; or if for a threat to health and safety, removal within 24 hours of notice.

If a determination is made on objective facts supported by written statements, that a resident pet owner has violated the Pet Rule Policy, written notice will be served.

The Notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the resident pet owner has ten business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation; That the resident pet owner is entitled to be accompanied by another person of his or her choice at the meeting; and
- That the resident pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to terminate the pet owner's tenancy.

If the pet owner requests a meeting within the ten business day period, the meeting will be scheduled no later than ten business days before the effective date of service of the notice, unless the pet owner agrees to a later date in writing.

Q. NOTICE FOR PET REMOVAL

If the resident pet owner and the WHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the WHA, the WHA may serve notice to remove the pet.

The Notice shall contain:

- A brief statement of the factual basis for the WHA's determination of the Pet Rule that has been violated;
- The requirement that the resident/ pet owner must remove the pet within ten business days of the notice; and
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

R. TERMINATION OF TENANCY

The WHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

S. PET REMOVAL

If the death or incapacity of the pet owner threatens the health or safety of the pet, if a pet is poorly cared for, or has been left unattended for over twenty-four hours, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the Responsible Party designated by the resident pet owner. If the responsible party is unwilling or unable to care for the pet, if the WHA after reasonable efforts cannot contact the responsible party, or if there is no responsible party, the WHA may contact the appropriate State or local agency and request the removal of the pet, or the WHA may place the pet in a proper facility for up to 30 days. If there is no other solution at the end of 30 days, the WHA may donate the pet to a humane society. Cost of this professional care will be borne by the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

T. EMERGENCIES

The WHA will take all necessary steps to insure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are referred to the appropriate State or local entity authorized to remove such animals.

If it is necessary for the WHA to place the pet in a shelter facility, the cost will be the responsibility of the tenant/pet owner. This Pet Policy will be incorporated by reference into the Dwelling Lease signed by the resident, and therefore, violation of the above Policy will be grounds for termination of the lease.

Resident Advisory Board Members

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Luau Manor

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Section 8

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Riverview Towers

Progress Toward 5-Year Goals

The Wheeling Housing Authority has made progress toward its goal of expanding the supply of assisted housing. In 2001, the Housing Authority has applied for and received 84 Fair Share Vouchers from the U.S. Department of Housing and Urban Development. We have also received 75 replacement/ relocation vouchers and have successfully relocated the residents of Grandview Manor and Lincoln Homes. The Housing Authority has purchased a five-unit apartment building with replacement housing funds received through the capital fund program and is exploring the feasibility of converting one of its high-rise properties into an assisted living facility.

The WHA, with its development partner, has applied for and received Tax Credits for the Grandview Manor/ Lincoln Homes phases of the HOPE VI project. In the North Wheeling Phase, we have completed and fully leased all 39 of the rental units. We have completed 4 homeownership units, with 4 sales contracts, and we are beginning the construction of 6 homeownership units.

The Housing Authority has met its goal of increasing assisted housing choices by providing mobility counseling and the implementation of site-based waiting lists. The Housing Authority has also worked to provide an improved living environment by implementing security improvements and receiving a renewal for Garden Park Terrace and Riverview Towers as designated elderly only complexes. Fifty percent (50%) of our Housing Choice Voucher Program participants live in non-poverty areas of our jurisdiction, meeting our deconcentration goals.

The Housing Authority continues to work toward its goals of improving the quality of assisted housing. We have received a customer satisfaction score of 9.3 out of 10, a PHAS score 89%, and a SEMAP score of 83%.

The Housing Authority continues to promote self-sufficiency and asset development of assisted households by providing case-management services, partnering with agencies in the community for families, including services for our elderly and disabled populations, and by securing matching funding to implement training programs for residents in the areas of basic life skills, education, and job readiness. We currently have over 47 Memorandum of Agreements with outside service providers, leveraging over \$750,000 in services for our residents over the past fiscal year.

The Housing Authority continues to ensure equal opportunity and affirmatively further fair housing in its jurisdiction. We actively work with the Human Rights Commission (HRC) to meet this goal. The Executive Director of the HRC spoke at our landlord meetings this year, expanding our Fair Housing Initiatives. In the upcoming year, WHA and HRC are planning an extensive landlord training program for the entire City of Wheeling.

Finally, the Wheeling Housing Authority continues to work to increase the number of individuals applying for public housing to reduce the vacancies in our developments through an aggressive marketing and outreach program. A Marketing Director is funded through our Capital Fund Program. A parking problem in our Garden Park Terrace complex was negatively impacting our vacancy rate (38 spaces for 168 units), a parking lot expansion added 50 parking spaces this year. We hope the additional parking will have a positive impact on the lease-up rate at the complex.

WV003m01

Resident Membership of PHA Governing Board

A Section 8 Resident was appointed by the Mayor of the City of Wheeling, Nick Sparchane, to the Wheeling Housing Authority's Board of Commissioners in June 2001.

Kathy Webb, 501 Fulton Street, Apt. D, Wheeling. She was appointed June 6, 2001, took her oath June 13, 2001. Her term expires December 31, 2005.

WV003n01

Assessment of Demographic Changes in Public Housing Developments with Site-Based Waiting Lists

We have not experienced any change in demographics with the implementation of site-based waiting lists.